

**THE INDIAN
AND HIS PROBLEM**

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THE INDIAN AND HIS PROBLEM

BY

FRANCIS E. LEUPP

Formerly United States Commissioner of Indian Affairs

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TO
THEODORE ROOSEVELT

THE PRESIDENT WHOSE UNWAVERING CONFIDENCE AND SUPPORT EN-
ABLED ME TO PUT INTO PRACTICAL OPERATION MOST OF THE
POLICIES ADVOCATED IN THE FOLLOWING PAGES, THIS
LITTLE BOOK IS AFFECTIONATELY DEDICATED

AUTHOR'S PREFACE

THE Indian problem has now reached a stage where its solution is almost wholly a matter of administration. Mere sentiment has spent its day; the moral questions involved have pretty well settled themselves. What is most needed from this time forth is the guidance of affairs by an independent mind, active sympathies free from mawkishness, an elastic patience and a steady hand. The purpose of this book is to present a bird's-eye view of the existing situation, and a suggestion or two for the relief of some difficulties which still confront our Government.

For twenty-five years I have mixed with Indians. I was more or less intimately acquainted with all my predecessors as Commissioner during that period, and wish here to record my tribute of respect for as conscientious and painstaking a series of officers as could be found in their times in the public service. The fact that I did not follow directly in their footsteps must not be interpreted as any disparagement of their motives or their wisdom, but as due to the different conditions obtaining when they and I respectively took charge. For the Indian problem has assumed a wide variety of phases since the Government began making any serious attempt at its solution. In one era the foremost need was to suppress violence; in divers

others, to purify the personnel of the Indian Service, to check the rapacity of contractors and traders and frontier land-grabbers, to reform methods of business at headquarters in Washington, to procure legislation or judicial decisions of fundamental importance, to awaken the conscience and educate the opinions of the public, to urge increased appropriations for certain exigencies of the work, to emphasize the demand for schools for the children or devise means for the industrial advancement of the adult Indians. As for many years the Government had no settled policy, but only a vague sense of obligation to guide it, every Commissioner became an opportunist in spite of himself, and was compelled to spend more of his time in keeping the Service out of trouble than in constructive work for converting a public burden into a contributor to the common wealth.

The foregoing statement will, I trust, excuse the somewhat frequent reference found in these pages to matters which fell to me to handle officially. Of any departures from my methods which may have been made or are likely hereafter to be made by any successor in office, I cannot speak with the same authority. On the other hand, as the solution of our problem has been progressive, and as it had just entered a critical stage when I was called to take charge of it, any extended discussion now of questions which were settled before that time would be a little like treating ancient history as a current topic.

In my effort to reach the popular understanding by the most direct route, I have avoided statistical and

other very precise details, and have employed generalizations which are liable to many exceptions. But if the reader is prompted by this swift survey of a highly complicated subject to go deeper into any of its phases, he will find a mine of valuable information always open to him in the Government reports and the publications of the Smithsonian Institution. My little volume is not offered as a contribution to the literature of ethnology, of jurisprudence, or of political science in the narrower sense of the term. It expresses no opinions but my own, and neither represents nor commits any other person, in or out of public life. In short, it is simply a message of friendly counsel from a white citizen of the United States, proud of his country, and anxious to see the members of our dominant race do their full duty toward a weaker element in the population who were Americans long before we were.

F. E. L.

WASHINGTON, D. C., *January 1, 1910.*

CONTENTS

CHAPTER	PAGE
I. THE INDIAN AS HE WAS	1
The White Man's Ignorance of the Indian—Some Wide-spread Misconceptions—A Lively Sense of Humor—Homeric Heroes and Ethics Reproduced—Origin of the Sign Language—The Question of Honesty—Position of Women in the Tribe and at Home—Courtship, Marriage, Divorce and Children—Youth and Old Age in the Indian View—How a Tribal Council Proceeds—The Dance, Religious and Social.	
II. WHAT HAPPENED TO THE INDIAN	23
Land Ownership and Home-Making—First Attempts at a Government Policy—Beginnings of the Reservation System—Wild Game Displaced by Rations—How Graft Flourished on Communism—Mission Work and Government Schools—Gratuities a Straight Path to Pauperism—The Dawes Severalty Law—Evils of Compulsory Citizenship—Special Legislation a Costly Boon—Leasing and Inheritance.	
III. THE PROBLEM, AND A WAY OUT	42
A Human, not a Mere Race Question—Following the Course of Nature—Proof of the Indian's Stamina—Starting Work with the Boys and Girls—Practical Teaching Better than Ornamental—Dissolving the Mass and Building the Man—Criticisms Passed on the Policy of Shrinkage—A Picturesque and Artistic People—Improvement, not Transformation, the Right Ideal.	
IV. WORKING OF THE BURKE LAW	61
Need of Amending the Dawes Allotment Act—Arguments Offered in Defence of Premature Enfranchisement—The Burke Idea not Wholly Novel—The Old Act and the Amendment Each Suited to Its Day—Precautions Taken to Protect the Indian Beneficiary—Attitude of the Government Toward the Emancipated Allottee—Who Apply for Patents in Fee—Congress Broadening Its Policy.	

V.	DISPOSING OF THE SURPLUS	79
	Who Owns the Reservations—Popular Misapprehensions Corrected—The Lone Wolf Decision—Indian Distaste for Allotment—Offering the Tribal Remnant for Sale—The Government as a Wholesale Purchaser—Price Contrasts Which Mean Nothing—The Existing Practice—Sugar Beet and Horse Farm Projects—Rapid Opening of Reservations—Objections to this Policy Considered.	
VI.	THE INDIAN SERVICE	96
	A Huge Human Machine and Its Personnel—Order of Rank and Authority—Indian Agents and Superintendents—What Political Patronage Brings in Its Train—Story of the Seven Green Strings—Duties of an Agent—Army Officers in Charge of Agencies—The Board of Indian Commissioners—Public Employment for Indians—Life at a Frontier Post—Separation from the Service.	
VII.	THEORY AND FACT IN EDUCATION	115
	Young Indians in the Learned Professions—How Experience Modifies Expectation—Practical Needs Too Commonly Overlooked—Importance of Individualizing and Specializing—The World as a Human Mould—Value of the Outing System—What Ten Years of Real Life Did for One Indian Boy—Different Types of Government Schools—Open-Air Teaching—Paternalism Run into an Abuse.	
VIII.	TIME FOR A TURNING	132
	Overhauling the Indian School System—Day Schools and Their Influence—Mutual Needs of Parent and Child—The Educational Almshouse and the Harm It Does—Necessity for a Compulsory School Law—Stunting Effect of the Institutional Routine—A Big Boarding School as a Machine—Perils of the Herding Process—A Benevolent Beginning and a Wasteful End—How to Get Back to Common Sense.	
IX.	THE INDIAN AT WORK	151
	When the Indian Will Labor and When He Will Not—The Government's Mistaken Methods of Old—Operations of the Employment Bureau—Training Adults in the Mechanical Trades—The Crow Fair—Illiterate Indians Who Have Proved Their Mettle—The Native Handicrafts—Young Indians in the Army and Navy—Adventures of the Absentee Utes—The Object-Lesson of the Hungry Stomach.	

CONTENTS

xiii

CHAPTER

PAGE

X.	THE INDIAN AS A CAPITALIST	173
	Tribal Trust Funds and Their Origin—Replacing Fictitious with Real Capital—Sources of Indian Income—Dead Letter Treaty Provisions—Absurdity of Permanent Annuities—Turning Gratuities and Land Payments into Wages—Leasing Allotments—Improvidence of Indian Heirs—The Trader, His Virtues and His Vices—Plan for the Incorporation of Tribes—A Proposed Court of Indian Claims.	
XI.	LEGISLATING FOR A DEPENDENT RACE	197
	Unique Position of the Indians—How Congress Approaches Its Task—Some Amusing Errors—Perils Which Beset a Legislative Programme—The Chronic Improver—How the Few Sometimes Overcome the Many—Things Left Undone, and the Consequences—Pruning Ancient Abuses—Insignificance of a Bill without Backing—The Congressional Document—Good Nature and Duty—Damage a Lobby Graft May Do.	
XII.	LIBERTY AND DISCIPLINE	221
	Origin of the Agency Pass—Some of Its Grim Humors—Freedom of the Indian to Go and Come—The Disciplinary Lessons of Cause and Effect—Medicine Men and Their Pretensions—Methods of Controlling Them—The Force of Ridicule—Tackling the Intemperance Problem—Warlike Threats and Incendiarism—Courts of Indian Offences—Putting Culprits upon Their Honor—An Historic Incident in Point.	
XIII.	A FEW ILLUSTRATIVE CASES	248
	Thoughtless Demands for Reform—Doom of the Indian Dance—The Standing Bear Decision—How It Was Ignored by Those Who Quote It Most—Imprisonment of the Ute Pilgrims—Story of the Geronimo Apaches—The Punishment of Porcupine—By-a-lil-le and His Outlaw Following—An Interesting Test Case Which Stopped Too Soon—Situation on the Sac and Fox Reservation in Iowa.	
XIV.	MISSIONARIES AND THEIR METHODS	275
	The Aboriginal Conception of Deity—Supplanting Nature-Worship with Christianity—A Missionary's Beginnings—Teaching the Converts Independence—Status of the Mission Worker Under the Law—Mistakes Which Can be Avoided—The Hospital as a Faith-Bridge—Marital and Sex Problems—Ecclesiastical Controversies in the Schools—A Pagan Indian's Regard for His Vow.	

CONTENTS

CHAPTER

PAGE

XV. PHILANTHROPY AND CRITICISM	305
The Popular Notion of Philanthropic Societies—A Too Sweeping Verdict—Their Several Fields of Effort—Distinctions Worth Observing—Public Officers and Criticism—Judging as We Would be Judged—How the Societies Are Organized and Managed—Practical Benevolence and the Other Kind—Native Testimony—The Chronic Complainers' Faction—Indians in Shows—Pseudo Scientists and Real.	
XVI. THE INDIAN TERRITORY EXPERIMENT	328
How the Indian Territory Came into Being—Setting an Untrained Race to Found a Republic—The Governments of the Five Civilized Tribes—White Outlawry and Native Graft—A Long Reign of Terror— <u>Interference of the Federal Government</u> —Reducing Chaos to Order—The Segregated Coal Lands—Applicability of the Incorporation Plan—Birth of the State of Oklahoma.	
XVII. AS THE NEW DAY NEARS ITS NOON	343
What the Future Has in Store for the Indian—Absorption and Merger—Intermarriage of the Races—The Squaw-Man and His Mixed-Blood Progeny—Some Prevalent Errors Challenged—Distinguishing Mixed from Pure Blood—The Family Record Book— <u>Fighting Disease</u> and the Liquor Evil—Could the Indians Produce a Booker Washington?—A Parting Message of Appeal.	
INDEX	363

THE INDIAN AND HIS PROBLEM

CHAPTER I

THE INDIAN AS HE WAS

The White Man's Ignorance of the Indian—Some Wide-spread Misconceptions—A Lively Sense of Humor—Homeric Heroes and Ethics Reproduced—Origin of the Sign Language—The Question of Honesty—Position of Women in the Tribe and at Home—Courtship, Marriage, Divorce and Children—Youth and Old Age in the Indian View—How a Tribal Council Proceeds—The Dance, Religious and Social.

No one can understand the Indian problem without first understanding the Indian. And herein lies an essential difficulty, for the understanding of another human being is not to be had by a study of formulas as we identify a chemical combination, or worked out in lines and angles as we master a geometrical proposition; but it is largely a matter of instinct, like the appreciation of a religious or æsthetic ideal or the discovery of an unsuspected sympathetic sense. A prime condition of our knowledge of any man is that we shall see him against his own background, commune with him in his varying moods, and breathe his atmosphere. That gives us the intimate view. Then it is well to be able to readjust our impressions by moving from time

2 THE INDIAN AND HIS PROBLEM

to time to a point from which we can see him in perspective, and thus form a just estimate of his relations to things outside of himself.

Unfortunately for the Indian, his Caucasian fellow-countrymen rarely enjoy this double opportunity for studying him. Either they have been compelled by circumstances to live close to him all the time, and so have acquired an exaggerated conception of his faults—meaning those traits and notions which do not coincide with theirs—and only a condescending regard for his virtues; or their occupations and tastes have kept them afar off, so that they have got but an imperfect view of him as an object on the horizon. It is hard to say whether the development of the Indian has been retarded the more seriously by his close association with neighbors who look upon him, even good-naturedly, as a necessary nuisance, or by the often mistaken kindness of friends thousands of miles removed, whose judgment of him and of his needs has been warped by frequent appeals to their emotions.

“Do you know anything, by actual contact and experience, of the Indian country and the conditions there?” I once asked a distinguished Attorney-General of the United States whom I had been vainly trying to induce to make a special inquiry into an Indian case then before him.

“God forbid!” was his fervid response, as he raised both hands and extended their palms toward me with the gesture of pushing away an unwelcome suggestion.

This man was a highly bred product of the East. I doubt whether he had ever travelled a thousand miles

inland, and, if so, whether he had seen anything of the country except through the window of a director's car. Yet if I mistake not he was a member of a philanthropic society which made a specialty of Indians. We all know the attitude of which his was a typical illustration: Yes, the Indian is a much-abused creature; let us help him by all means; accept this check as a modest contribution to his cause; but excuse me, please, from the hardships of pounding over rough roads in a waterless country, living on salt pork and canned beans and unbuttered saleratus biscuit, and sleeping on any bed that happens to come to hand or on none at all, for the sake of knowing him face to face in his own home, amid all his untidy surroundings!

In discussing the Indian people one must always bear in mind that there is as wide a diversity between different groups as we find among Caucasians. Just as we should never think of confusing the native traits of the Scandinavian with those of the Sicilian, so we must keep the Sioux distinct from the Mission Indian, the Chippewa from the Navajo, the Makah from the Hopi. The most we can do is to note what characteristics are common to a majority of our aborigines.

The historians who have recorded the achievements of our race on the western hemisphere have as a rule done scant justice to the people whom we supplanted. Many of the school-books furnished to our children, and the novels prepared for the entertainment of their elders, have portrayed the Indian in colors which would make him unrecognizable by his closest intimates. Popular writers generally agree, for example, in repre-

4 THE INDIAN AND HIS PROBLEM

senting him as haughty and taciturn. They simply ignore human nature. An intruder who forces his way into an occupied home, takes possession of it, and establishes there a new language, new customs and new proprietary relations, would naturally be regarded by his unwilling host with some suspicion, which could hardly fail to find expression in a certain reserve of manner; and the most thoughtful races are least garrulous. As a matter of fact, among the friends whom he trusts, the Indian is a genial companion and a lively story-teller, full of humor himself and appreciating heartily the humor of others.

I shall never forget the sally, or the roar of laughter which greeted it, by way of concluding a discussion I was holding with a band of Indians in Oregon a few years ago. Having recently sent them a new Superintendent—or Agent, as they preferred to call him—I was telling them something of the qualities he had shown in other positions, including his industrious habits and his devotion to the interests of their people. “Here,” said I, in a tone of exhortation, “he has his office open from eight o’clock till twelve every morning, and from one till five every afternoon, for no other purpose than to attend to your affairs, and all of you are welcome to visit him there and talk over your troubles; yet I observe that you go to his house before he is out of bed, or call him away from his meals, or rout him out at night, to attend to things which could just as well be attended to during the business day. Now, I want you to remember that an Agent, like everybody else, must have some time to rest!”

The last words I spoke very slowly and with marked emphasis, and I had paused to let the idea sink into their minds, when an old Indian in the corner, who spoke English fairly well, broke the solemn silence by calling out: "The *last* Agent rested *all* the time!"

Indeed, the ability of the Indians to see the funny side of a serious matter, even when the point is against themselves, sometimes goes to extraordinary lengths. In the Sioux outbreak of 1890, not a few Indians belonging to the usually peaceable element left their homes and went to the arena of hostilities either out of mere curiosity or with a notion that the trouble might spread till all were drawn into it on one side or the other. During the absence of a number of members of one band, their local agency issued its annual call for firewood. It was the custom of the Government to buy from the Indians all the fuel they would cut, by way of encouraging them in useful industry. A weak-minded fellow who had always been treated as the clown of the tribe, and who had stayed at home in spite of the excitement, saw here his golden opportunity. He had never exerted himself before to earn his living, because the timber expeditions involved too much hard work; but what could be easier than a plan which had just entered his mind?

So to the nearest cabins of absentees he repaired and deliberately tore them down, sawed the logs into cord-lengths, piled these into his wagon and hauled them to the agency, where he received the standard price for all the wood he brought, no questions being asked as to where he got it. And how did the owners act on

6 THE INDIAN AND HIS PROBLEM

their return? Their first sensation was one of amazement to find their dwellings razed to the ground; the next was eagerness to ascertain how this had happened; possibly the next was indignation, but if they manifested any I never heard of it. All I know is that in telling me the story they have laughed over it as if it were one of the most amusing things imaginable—only a new item added to the clown's long list of comical pranks; while the author of the mischief would stand by, enjoying the recital as much as the rest and evidently taking not a little pride in the novelty of his practical joke. I suspect that this is one of the cases where most of us will admit that the Indian sense of humor is even keener than the Caucasian.

We read and hear a good deal about the treacherous nature of the Indian. The late Dr. William T. Harris, while Commissioner of Education, answered that accusation with a single phrase when he referred to the Indian race as "Homeric children." They have an oriental code of ethics which holds hospitality so sacred that if an Indian takes you into his home as a guest you are absolutely under his protection during your stay. But the same code which rigidly recognizes the rights and privileges of friendship, and even one's duty toward the stranger who is temporarily sharing one's camp, ignores every consideration in the treatment of an enemy except the desire to inflict upon him any injury possible. The maxim, "all's fair in war," often current among whites who carry honor to the extreme of generosity in dealing with a foe, to an Indian means

what it says. His mind is of the simple type which in a hostile atmosphere knows no sentimental restraints, but despises all forms except such as may be needed to mislead an intended victim. Remove the alluring gloss which poesy has spread over the conduct of the worthies who figured in the siege of Troy, and do we find any larger element of virtuous motive there than in the standards respected by our aboriginal race? Yet Homer's people we do not denounce as innately vicious because the stage which human development had reached in their era failed to foreshadow some of the best features of our modern civilization.

The Indian of the books is always warlike, and this, in the mind of the uninformed reader, is assumed to mean that he is personally quarrelsome. The inference does him great injustice. There is not a white community whose members will go further out of their way to avoid hard feeling with their neighbors than the members of an Indian tribe or band. Factional differences will often arise, as among similar groups of other blood; a discredited leader may be stripped of power with little ceremony, wives and husbands may disagree and separate, and occasionally private vengeance may be sought by one Indian for a very deep wrong inflicted upon him by another; but for the most part such troubles as do occur between individuals are settled by a conference of the parties and their friends, the conclusion reached is accepted and acted on in good faith by the worsted antagonist, and, as the feelings of the aggrieved Indian are usually salved over by the gift of a pony or a blanket or a saddle from the aggressor,

8 THE INDIAN AND HIS PROBLEM

even the scars of the recent conflict do not long remain visible. War with outsiders, however, is quite a different proposition. Here the Homeric age used often to be called forcibly to mind, for, if one tribe had something which another tribe coveted, its continuous possession became a mere question of strength.

In olden times the buffalo hunt served the double purpose of uniting and dividing tribes. It undoubtedly brought into existence the sign language common to the tribes of the Plains; as each had its own tongue, one hunting party meeting another was powerless to ask or answer questions, and out of the need of some adequate medium of communication was evolved that use of hands and elbows, eyes, ears and head which a master of the art can make so eloquent without a spoken word. On the other hand, these meetings offered fine opportunities for beginning tribal feuds, if two bands had started after one herd, and a few hot-heads in each, getting into close quarters, had come to blows. Out of such an encounter might grow a warfare continuing through several generations; for the Indian, like other primitive men, if injured, took his revenge not simply on the individual offender but on the whole class to which the latter belonged. A wrong done him by a member of another tribe must be wiped out in the blood of that tribe, and any member or members, whether personally guilty or innocent, would answer for the sacrifice. As a matter of course, vengeance bred vengeance; till, after the vendetta had been handed down from father to sons, and from sons to grandsons, the relations of aggressor and

aggrieved became so hopelessly confused that the origin of the broil was lost in the mists of oral tradition, and one tribe hated the other for no better reason than that it was the other.

As already suggested, the Indians resembled the Homeric heroes, and, indeed, the great figures of our own baronial era, in making their idea of property too often interchangeable with the idea of the physical force necessary to acquire and defend it. Descents of a stronger tribe upon a weaker, to carry off their ponies or other possessions of value, were of common occurrence. Such raids were mostly made in the night, not from cowardice or from any notion of criminality associated with them, but apparently because work in the dark demands more cunning and skill than work in the light. At least, that is the way in which many old Indians have explained the custom to me. We should call it stealing, and so would these same men if it were done now; yet in spite of their advancement in morality they still delight in reminiscences of expeditions in which they once took part, for emptying the corrals and driving off the herds of tribes less powerful than theirs, thus showing that they attach no sense of ignominy to their conduct.

All this leads by a side path to the consideration of a charge often heard in the frontier West, that the Indian is naturally dishonest. His friends can safely challenge the accusation. What we conventionally call dishonesty, except as associated in some way with hostilities, was, in my judgment, introduced to the Indian with the rest of the conventional civilization which we brought into his country. Food, among the old-fash-

10 THE INDIAN AND HIS PROBLEM

ioned Indians, was always regarded as common property: the rule being to let him who was hungry eat, wherever he found that which would stay the cravings of his stomach. The old practice underwent degeneration, just as a multitude of once honored practices have suffered notorious abuse among ourselves. It is interpreted now by the lazy and thriftless element as justifying their living on any member of their family or band as long as that person has a crust of bread or a mouthful of meat in his camp, regardless of whether or not they are able-bodied and he is weak and helpless; while the traditional respect generally entertained for it deters the victim from resistance or resentment, however much he may inwardly condemn the injustice of having such burdens heaped upon him. The persistence of the old theory will explain, moreover, the seeming paradox we meet with here and there on the frontier, where a band of Indians among whom you might safely trust your whole stock of household goods overnight will commit depredations on your cattle and sheep, killing them to eat whenever it is possible to do so with reasonable security.

Some years ago a delegation of Osage Indians called upon me in Washington to discuss a recent turn in the affairs of their tribe. After we had gone over the whole ground the sub-chief drew from under his blanket a scroll of parchment and handed it to me with the remark: "I want my father to read this, and tell us whether what we have said here to-day is the same as the writing on the paper." The scroll proved to be a sort of official letter of good will, engrossed in quill

script after the olden style, dated in 1804 and signed by President Jefferson's Secretary of War. It expressed in figurative language the satisfaction of the Government at Washington with the friendly relations existing between itself and the Osage nation, and concluded with a paragraph to this effect: "The President sends you a chain. It is made of pure gold, which will never rust. And may the Great Spirit assist us in keeping the chain of friendship, of which this golden chain is an emblem, bright for a long succession of ages."

The imagery was poetic, but there was something better than poetry in the upper left-hand corner of the parchment; for there hung the chain, just where the Secretary had fastened it one hundred years before. During the interval three generations of Osage Indians had come into being, or passed away, or both. The tribe, though now well to do, had undergone all kinds of vicissitudes. They had lived in the forest and on the desert, in tepees and wigwams, in shanties and log cabins. In all that time they had been without safe-deposit vaults or treasure-houses, burglar alarms or detective bureaus; yet here was the chain, not a link missing, not the scratch of a file on its surface. Are there many white communities where it could have been thus exposed for such a period and kept out of the thief's crucible or the pawnshop?

Old, experienced traders among the Indians have repeatedly informed me that they had lost less money on long-standing Indian accounts, aggregating large sums, than in their comparatively small dealings with the white people in their neighborhoods. One success-

12 THE INDIAN AND HIS PROBLEM

ful trader among the Sioux who, in the early nineties, lent some \$30,000 to the Indians near him in anticipation of a payment they were soon to receive, said afterward: "I did not lose more than \$150 on the whole transaction, and that I lost from a half-breed who did not live on the reservation." The same testimony is borne on all sides, and the universal comment is that, until they were taught how to cheat in a trade, very few of them ever thought of doing so. I have seen Indians at a Government pay-table, after receiving their annuities, walk up to the Agent or some employee with so many dollars held out in their palms, to repay a loan which the creditor had forgotten all about. These instances, I ought to add, were observed among Indians of a pretty backward class, who were acting simply in obedience to their natural impulses.

Because he does not open his heart to a stranger or fly into a passion under abuse, we hear that the Indian is without feeling. On the contrary, he is one of the most sensitive of human beings. Stolid as stone under his enemy's tortures, he may be broken in spirit by the death of a child. He feels keenly any slight put upon him, and, though he may not retort in kind, a harsh or contemptuous word from a friend cuts him to the heart. He is an artist by instinct, responsive to every form of beauty in natural objects, and filled with awe in the presence of whatever is massive or otherwise grand. Crude as are the materials of which he composes them, his war bonnet, his hunting shirt, his ceremonial costume for great occasions, his home-made blankets and saddle-cloths, baskets and pottery, his decorated weap-

ons, his shell chains and silver bracelets, all wear the stamp of a genius which needs only encouragement to win recognition far beyond the boundaries of a curio cabinet. I have sat with a party of Indians of all ages in a remote corner of our country and listened to a musical programme ranging in variety from rag-time to Bach, and noticed that the most emphatic manifestations of approval from the red people were reserved for classic or semi-classic selections which would have put an uneducated white audience to sleep.

Enter an Indian camp, and you will probably see its lord stretched prone in the most comfortable place, where he can smoke and converse with his guests while his wife, silent and self-effacing, busies herself with menial tasks. Meet a married couple on the road, and it is the wife who is bent under their homely burdens while the husband stalks in advance with his head in the air. Well, friends, it is merely a matter of diverse conventions; for in our civilization, too, we divide the daily activities between the sexes. Among us, the husband assumes the functions performed outside of the home: he goes forth to battle with the world, to forge the big products of his trade, to wring tribute from his debtors, to provide the means of subsisting the family; to the wife fall the duties pertaining to the household proper—the care of the children, the preparation of the food, the manifold interests which make for the comfort of all. So among the Indians, from time immemorial, it was the man who went forth to hunt the game which supplied the family with meat and clothing and shelter, made war upon the enemy and carried home his share

14 THE INDIAN AND HIS PROBLEM

of the plunder, defended the camp when attacked, fashioned with his own hands the weapons to be used against man and beast, and took part in the internal councils and outside negotiations of the tribe; while the wife was mother and nurse, built and tended the fire, prepared the beds, planted and harvested the little patch of corn and beans if the family had one, skinned and carved the game, brought water from the brook, cooked the meals, and in the odd moments employed her fingers at cutting and sewing garments, ornamenting them with beadwork, weaving the blankets, plaiting the mats and baskets, or moulding ropes of wet clay into bowls and baking these to harden them for domestic use.

A glance backward over the history of our own race would show that our present classification of duties on sex lines is merely an outgrowth of the same simple division which still continues among the aborigines, the changes we have made being due to our more rapid social progress and our greater natural faculty for adapting old things to new conditions. With the Indians, the settlement of the country and its advance in civilization having robbed the head of the family of his former occupations, he is too conservative to hunt up new ones and adjust himself to them; so, after the manner of the simple life, he takes for ease all the hours not demanded for toil, and seeks a comfortable spot where he can lie and think. His wife's functions, however, have not been altered in multitude or character by the new order of things which has crept over their horizon. She has just as many children as before, as much clothing to make and wash, and as many meals to prepare. All

that the intrusions of civilization have effected in her domain has been to furnish her with a few more convenient implements for her work.

Moreover, as a proprietor and domestic magnate the Indian woman may be of much more importance than her lowly tasks and demeanor would indicate. Among the Navajos the women own the sheep, among the Hopis the house; among some tribes "My mother" or "My grandmother" is the most reverential form of address which can be offered to a visitor of either sex. All descent is traced through the female line. In the Sioux households the women have often more to say than the men about internal affairs, and everywhere it is usually the women who have the last word in deciding how the children shall be trained. Among the Utes I have seen the annuity money received by stalwart husbands and turned over at once to wives whom the same husbands would load down with all the burdens for their homeward trip. In informal conferences I have held with the Navajos, women have been present and taking no part in the open discussions; but in stage whispers to their husbands they have suggested new arguments or revamped old ones till they have upset more than one basis of agreement the men had reached with me. So we are bound to recognize the women's duties, treatment and bearing as matters of fashion rather than of essence, no matter what race we are considering; and the most we can say for the worshipful position of the gentler sex among ourselves is that it is one of the graces of life which have come in the train of our higher but largely artificial culture.

16 THE INDIAN AND HIS PROBLEM

There is another contrast between the Indians and ourselves which is not wholly to the discredit of the less civilized race. Marriages among them are unions entered into with the distinct expectation of bringing children into the world, and the little ones can never come in such multitude as to wear out their welcome. Prostitution for gain is so limited as to be almost abnormal; though a counterpoise is found in the widely prevalent practice of polygamy and in the great facility for illicit relations between the unmarried on mere impulse. In some of the more notable tribes infidelity on the part of wives is very rare because the penalties are so severe, often including unsightly mutilations of a woman's face; but on the other hand divorce is not difficult, and if a woman is tired of her husband her most convenient and least hazardous course is to cut herself loose from him and become the wife of any man for whom she has acquired a stronger liking. Illegitimacy is as frequent as it must always be in communities where the sex instinct retains its primitive force and the mode of living makes social barriers impracticable. It is regarded, however, with mixed sentiments. The parents of a girl who gives birth to a child out of wedlock deplore the incident, but the babe is never disowned and the mother suffers no disgrace which cuts off her chance for regular matrimony later. A child from any source, among the unspoiled Indians, is a gift from the gods and a joy to the home, and it is not uncommon to find an already large family swelled by the adoption of several orphans.

Courtship and marriage take various forms among

the Indians. The tribes which of old were most warlike doubtless still retain the tradition of marriage by capture, though in the concrete that is no longer possible. Within a tribe, however, marriage by purchase persists to this day. Ponies are the most common medium of exchange, and that maiden is the proudest belle whose parents have received the largest offers in horse-flesh for her hand. In communities where agriculture has been the immemorial means of livelihood, and where the habitation is in consequence the most fixed of all their possessions, the woman is accustomed to make the first advances, because she will bring the bridegroom to her home instead of following him to his. A young man there, living in his father's house, may wake one morning to discover at his door a basket of cornmeal from an unidentified giver. He must be very unobserving if he is unable to guess who laid the meal at his threshold; for the women of the village grind the corn by hand, and this has undoubtedly been ground, and placed where he found it, by a certain maiden who has been casting coy glances at him as he passed, and is intended for a hint that a chance to grind meal for him always as her husband would not be unwelcome. The courtship which follows is usually short and undramatic. The wedding day is celebrated by a gathering of women who sit with the bride in her home, and, between bits of gossip, instruct her in the duties of wedded life. There are no newspaper notices or after-cards; but a substantial advertisement of the marriage is the building of a new room against her father's dwelling as a place for the young pair to start their housekeeping.

18 THE INDIAN AND HIS PROBLEM

The two extremities of earthly existence mean a great deal among the Indians: their children they idolize, their old people they revere. This distribution of sentiment keeps the family life in equilibrium. A white child brought up in the freedom which the little Indian enjoys, and seeing its grandparents no oftener or more intimately than the white child commonly does, might easily become unbearable in their presence. But under the patriarchal system which prevails among the Indians, elders and children are thrown into the closest and most constant companionship; the children grow up in an atmosphere of respect for the old men and women of their families, and, though not standing in dread of them, are readily controlled by a word from that source of gentle authority. In all my wanderings among the Indians, I have never seen a parent strike a child, and have very rarely heard an impatient exclamation from either side. The influence of this peaceful environment is manifest when Indian children play together; their laughter will ring out as freely as the laughter of white children, but is almost never punctuated by angry cries or tears. The adults, indeed, carry much the same spirit into their games: the competition is not so fierce that winner and loser may not be equally good-natured over the result. Again and again I have watched the Southern Ute women play through a whole afternoon a game somewhat resembling our hockey, with a good-sized ball and bent sticks that weighed more than a pound each, so that a blow from either instrument projected by a muscular arm must have caused considerable pain; but nothing of that sort

brought an instant's interruption to the fun. A player too badly bruised to continue would drop out of the game and nurse her wounds while watching the rest. If two players ran into each other and banged their heads together, there were no complaints and recriminations, but only an exchange of humorous sallies.

The respect for age to which I have alluded gives a certain air of dignity to a tribal council in spite of much of the proceedings which could be omitted without damage. The session usually opens with a period of absolute silence, which is presently broken by a few murmurs so low that the words are distinguishable only by the alert ears of the Indians; these are suggestions from one and another quarter as to who shall speak and on what phases of the topic before the meeting. Then one of the old men rises, and all becomes still again. He speaks without interruption from any of the others, although senile feebleness may cause him to wander a little in his argument. Even those present who belong to an opposing faction, including perhaps a defeated rival for some tribal honor, pay him the deference of silence and attention. The first speaker is followed by another and another, all old men; and before one of fewer years obtrudes his views he looks along the line for nods or shakes of the head from all the remaining ancients who have any standing in the tribe. This way of transacting business has its disadvantages, of course: it means that the old fellows who know nothing of public affairs or modern methods of presentation, and to whom time counts for naught, absorb all or most of the remaining daylight and com-

20 THE INDIAN AND HIS PROBLEM

pel an adjournment overnight; and this is liable to indefinite repetition, so that one may spend five or six days in council with a band of Indians before reaching a conclusion which ought to have been reached in a single hour. In sobriety and courtesy, however, an Indian council is a standing rebuke to the noisy assemblies in which at times our own people debate questions of public importance.

No small place in the Indian's life has always been filled by a class of ceremonials in which social and religious elements are combined. They differ with the tribes concerned, but of most of them everywhere dancing is an essential feature. In large measure the dances are symbolical, and fulfil a prayer function, like the dances of the classic period of our own racial history. They serve as petitions for rain, or for good crops, or for deliverance from impending peril, or something of that sort. Their importance in the esteem of the Indians may be judged by the fact that the Hopis have thirteen in a year—the same number as the astronomical months—and each continues for nine days. The aggregate consumes a large amount of time which, according to our notion, could be put to much more profitable use.

Not seldom the symbolism of the dances is quite out of keeping with our accepted canons of propriety. For example, the sun dance is a mythological drama in which, among other features, a leading actor makes a present of his wife to the chief priest of the ceremony. In this, and in several other dances, male performers appear clad only in a breech-clout. One

dance is followed by secret rites from which every person not of Indian blood is rigidly excluded, but which, from revelations made by the initiated, appear to embrace some of the constituents of Phallic worship. In strict justice it ought to be said that many aboriginal traditions, allegories, and eccentricities of costume which, if introduced among us, would be promptly banished as offensive, convey no prurient suggestion to the Indian.

Such things, however, have given to Indian dancing generally a bad name among the missionaries, and led in part to the Government's discouragement of the practice. Its critics urge against it also that the dancers often keep up their exercise till physical endurance is exhausted and they lose control of their emotions; their enthusiasm lapses into hysteria or catalepsy, so that they are incapacitated for a good while in seasons when they ought to be at work. And an incidental complaint is that when Indians gather in a temporary camp for one of their protracted festivals, a reign of license usually marks the closing days of the meeting. On the score of hysteria and social laxity, though, we hear equally severe arraignments of certain gatherings, for ostensibly religious purposes, in rude white communities. The fault lies, perhaps, more in weak human nature than in any special racial tendency to bad morals.

Besides the religious dances, there are those held solely for social purposes, like the "give-away" dance to which one Indian invites a number of others in order to regale them with tales of his own prowess and re-

22 THE INDIAN AND HIS PROBLEM

ceive in response their acclamations of his greatness. This outburst of admiration is the signal for him to shower gifts upon them of ponies, saddles, blankets, clothing, pipes, ornaments—whatever is suggested by their covetousness and his vanity as a lord of bounty. A well-to-do Indian sometimes is reduced to utter penury by a give-away dance, and must find all his satisfaction in the memory of one glorious night, and in the possibility that he may play the guest and receiver at other entertainments given by prosperous fellow-tribesmen who have been spurred to emulate his example and try to excel him in largess.

CHAPTER II

WHAT HAPPENED TO THE INDIAN

Land Ownership and Home-Making—First Attempts at a Government Policy—Beginnings of the Reservation System—Wild Game Displaced by Rations—How Graft Flourished on Communism—Mission Work and Government Schools—Gratuities a Straight Path to Pauperism—The Dawes Severalty Law—Evils of Compulsory Citizenship—Special Legislation a Costly Boon—Leasing and Inheritance.

LAND ownership, in the sense in which we use the term, was unknown to the Indians till the whites came among them. By a sort of tacit understanding, the district held and inhabited from time immemorial by a certain tribe was recognized as its country by other tribes. Where a group of Indians had so far emerged from barbarism as to have ceased to depend for their vegetable food exclusively on the berries and nuts and wild grains which nature could be trusted to provide without human assistance, any little patch planted and tilled by a family was regarded by their neighbors as belonging to them in the same degree as their camp: that is, no one questioned their right of occupancy. This principle was carried somewhat further by the pueblo or village tribes of the Southwest, who had absorbed enough of the Aztec civilization to build rude houses of stone and adobe in secluded clusters and to cultivate elementary

farms near their homes. Each pueblo assumed the ownership of the tracts in which its village and farming lands lay; and periodically its governor, elected by popular vote, would distribute or redistribute the arable acres among his constituents who were able to care for them.

But these socialistic or communistic dreams were dispelled when the Caucasian invader pushed his way across the frontier; for fixed in the minds of the statesmen who first attempted to formulate an Indian policy for our Government lay the philosophic premise that civilization has always gone hand in hand with individual landholding. The popular argument never went so far back for a starting-point, but contented itself with an eminently practical syllogism: Originally, the Indians owned all the land; later, we needed most of it for ourselves; therefore, it is but just that the Indians should have what is left. Where the idea of using individual land-ownership for a lever in civilization entered into consideration at all, it took some such shape as this: The Indians' land lies in the open country; civilized people utilize their country land for farming; therefore, every Indian should be a farmer. It is but a short step from such a conclusion to its corollary, that what it is an Indian's duty to be, it is the Government's duty to make him. Hence, before the enactment of any general legislation regarding the allotment of Indian lands, there had been spasmodic movements here and there in the way of furnishing farm implements and machinery, seed and live-stock, and teachers of agriculture and its cognate arts, to sundry tribes,

with the optimistic notion that thenceforward the beneficiaries would be able to shift for themselves as white men were doing on all sides.

In the early days of European immigration on the Atlantic seaboard, the Indians, with their incomprehensible languages, their alien customs, and what was regarded as their freakishness in matters of friendship and hostility, were not looked upon by the newcomers as desirable neighbors, so they were gradually pushed westward, till in time the Mississippi River came to be recognized as the frontier line of civilization. The War of Secession was followed by an era of development for the West which soon evolved the great transcontinental transportation lines. The Indians had objected strongly to the penetration of their country by the whites; the surveyors, bridge-builders, track-layers and other heralds of the railway were for a good deal of the time in peril of their lives, and tourists and settlers who took advantage of the improved facilities for visiting the undeveloped regions did so at first with more or less apprehension. Not a few tribes and parts of tribes had already been assigned to reservations, either as places of confinement after unsuccessful wars or in peaceful exchange for lands they had been occupying further east, and supplied with an Agent to look after their material interests. But a number of isolated bands were still left to wander where they would, and renegade parties were continually slipping away from their reservations and turning up unexpectedly on the main routes of travel. The usual pretext was that they were out for a buffalo hunt; so the troops stationed at the remoter army posts

and the pioneers whose efforts at home-making were impeded by frequent "red-skin scares" united in a systematic campaign for the extermination of the wild game of the plains. This drastic measure, though it stripped the roving bands of their excuse for getting into the way of the whites, robbed the whole Indian race, substantially, of their main source of food supply, as well as of the hides which they used for shelter, clothing, defence, and to some extent in transportation.

"Of course, an enlightened and humane Government would not deliberately starve a dependent people. Having deprived them of most that made existence possible, it took great satisfaction in furnishing a substitute, in the form of a ration system under which all Indians who were good—in other words, who stayed on their reservations and abstained from violence—would receive, at stated intervals so many pounds of meat, of beans, of flour, of sugar and of other edibles. Blankets and clothing, also, were to be had for the asking, and the Government was willing to build houses for those who would live in them. Nothing was demanded of the Indians in return except that they obey their Agents and keep quiet. It is true that salaried farmers were sent to the reservations to instruct them in agriculture, and that tools and fencing were offered them as rewards of industry; but what was to be gained by being industrious if one could live on the fat of the land without stirring a muscle in labor? Satan's proverbial gift for finding mischief for idle hands to do came promptly into play, and the idle hands of the Indians soon learned to reach for the whiskey bottle. Hence came it that a

people once vigorous, strong-willed, untiring on the trail of anything they wanted, became debauched by a compulsory life of sloth, and within a single generation acquired among the whites a reputation for laziness, incompetence and general degradation.

This was the phase of the situation which a quarter-century ago commanded most attention from that part of the public who paid any at all to the Indian question. There was another phase, however, which, though more obscure, deserved quite as much consideration. The system of communal property was fatal to all legitimate enterprise on the part of any individual Indian. I use the word "legitimate" because even under the most discouraging conditions there were in almost every tribe certain persons with more initiative than the rest, who, if their wits had been sharpened by contact with the whites, took unlawful advantage of their fellows in various ways. For example, one of these clever operators living on a reservation where the Government had furnished the Indians with a herd of cattle as an aid to their civilization, would make a secret contract with some white cattleman outside to bring a bunch of the white man's cattle surreptitiously into the reservation and pasture them, pocketing whatever the owner was willing to pay. If there were danger that the outsider's stock might get mixed with that of the tribe and its increase be wrongly branded, the speculative Indian might even make a show of special thriftiness, pretend to set up a separate herd and pasture of his own, wheedle the Government into issuing to him the fencing material needed to enclose a goodly acreage, and go

regularly into the business of illicit leasing of grazing privileges. Sometimes the trick was worked with such nice attention to appearances that the Indian would hold formally executed bills of sale for all his white lessee's cattle, so as to elude the vigilance of any suspicious inspecting officer who might happen to visit the reservation.

Again, there were tribes in which certain of the women had married white men, who promptly found ways of turning their wives' communal rights to their own profit. In one case, valuable coal mines were fenced in by a "squaw-man" and worked for years with what was supposed by their ignorant neighbors to be his wife's hired labor, but was actually an Eastern corporation which leased the mining privileges and paid into his private purse a royalty on every ton of coal it took out and shipped away. In other instances almost without number, tribes having valuable grazing and hay lands would agree to lease these to white cattle companies, the middleman in every transaction being a chief whose pocket would be well lined in consideration of his diplomacy in keeping his followers contented, preventing their stealing the lessees' cattle for food, and quieting any agitators who might be disposed to clamor against making this disposition of their tribal assets.

Not many such illustrations are necessary to show how the communal property system came to be saturated with graft in spite of the Government's watchfulness. The abuses were double-edged: on the one side they kept the mass of a tribe out of something which

WHAT HAPPENED TO THE INDIAN 29

belonged to them, in order to enrich particular individuals; on the other they tended to demoralize the beneficiaries themselves, and through them the generation growing up with a better education, who were bound ere long to scent the ill-gotten gains and demand their share of them, or to shape their own conduct thereafter by false standards in the presence of like opportunities.

Side by side with the changes it undertook in the matter of land tenure among the Indians, the Government set up a general educational policy. The task of teaching was at first left in the main to the religious societies which maintained missions on the frontier; but the support of a large number of boarding-schools laid a heavy burden on some of these organizations, and there were many parts of the field which they were not strong enough to penetrate. Besides, the Government presently had its conscience stirred as to its own obligation toward a race over which it had assumed an unsolicited guardianship. Hence the paltry ten thousand dollars a year which it had appropriated for Indian education since 1830 swelled to one hundred thousand in 1870, and the school budget has increased steadily ever since till now it amounts to about four million dollars. In the meantime, owing chiefly to the great "A. P. A." wave which swept over the country in the early nineties, all public appropriations for contracts with the mission schools were cut off, and thereafter forbidden by law. Several of the schools closed their doors because, without aid of some sort from the Government, they could not meet expenses; others were taken off the hands of the mission authorities by gift or purchase,

transformed into Government schools and added to the already long list of institutions founded and kept up by popular taxation; still others—very few and far between—stripped themselves of every feature which increased the cost of their maintenance by an unnecessary dollar, and struggled on.

In dimensions, in scholastic scope, and in material equipment the Government school system as it stands to-day is an enormous advance on the old mission school system; but in real accomplishment as proportioned to outlay it does not begin to equal the latter, and in vital energy it must always be lacking. The reason for these differences is not far to seek. At the base of everything lies the fact that, except in magnificence, no governmental enterprise can compare with the same thing in private hands. The Government's methods are ponderous, as must always be the movements of so gigantic a machine. Its expenditures are from money belonging to the public, and therefore demand a more elaborate arrangement of checks and balances and final accounting than expenditures made from the funds of voluntary contributors. In spite of the now universal application of civil service rules, the whole business is under political control in the sense that the appropriations and the laws governing their use must be obtained from Congress, and that the school system is only a branch of one of the executive departments. This circumstance, while not necessitating the intrusion of partisan considerations into the settlement of any vexed question, does militate against the highest efficiency, because it requires that a great deal of ground

shall be traversed two, three or a dozen times on the way to a clearly visible conclusion, involves harassing delays and temporary discouragements, calls for tedious consultations over petty details which one mind could dispose of more satisfactorily, and keeps the administrative staff always in a state of preparation to repel gratuitous interference.

I would not be understood, in commenting thus on the Government schools, as intending any wholesale denunciation of them. Some are better than others, and several are as nearly ideal as they could be made under the adverse conditions inseparable from public undertakings which have a strictly human side; but in a general way it must be confessed that they lack a certain all-pervading spirit which distinguishes so many schools supported by private benevolence. A teacher employed by a huge impersonality like the Government may be a good man and true patriot; he may feel a wholesome pride in keeping up his school attendance and discipline; he may be sincerely interested in the Indians. But there is something in such a position as his, with the deadly letter of the law ever staring him in the face, with the formalism and routine, and the statistical comparisons, and the rule of level and plummet, which is bound to have its effect, in course of time, on the noblest man alive; and it is hardly to be expected that a teacher so compassed about can put as much of his best self into his work as one who takes his orders from a small group of men and women whom he knows well at least by name, and of whose sympathetic enthusiasm he is always conscious. Also, it follows from

32 THE INDIAN AND HIS PROBLEM

the circumstances of the case that in a big school run as part of a vast public machine, all the "institutional" features must be especially emphasized. Life there acquires a more constrained and dependent character than life outside; its very regularity saps the initiative of the young person subjected to it, and is liable to leave him impotent in the presence of any emergency arising later in his career, which cannot be met by obedience to a bugle-call or the tap of a bell.

On the parents the influence of the Government's educational bounty has been nothing short of deplorable. The free gift to the Indian race of educational facilities which other races prize so much as to be ready to pay well for them, might perhaps pass muster in view of the unique status of our aborigines in so many particulars; but what about the free gift to them also of board, lodging, clothing, medical attendance and amusements during all the time they can be induced to stay in school? And when the Government, after offering all this, hunts up the parents and begs for the children as a favor, the blunder is complete, and another road to pauperism is opened before a once proud race. This last misstep has been due in large measure to the individual zeal of the Superintendents and Principals in charge of the schools, who, in their desire to make a good showing, have been disposed to drive a bargain on almost any terms with the head of a large family or some leader in a tribe who could influence many parents. Partly, too, the responsibility rests on the laws of the United States which substantially hold the Commissioner of Indian Affairs accountable for seeing that

all the Indian children of school age obtain suitable instruction somewhere, without furnishing any compulsory process to be used with unwilling parents or any means for dealing with habitual truancy.]

The result is what might be expected: a parent who does not wish to send his child to school need not do so; and if the Government authorities are timid, or if he can hire some cheap attorney to stand between him and their attempts at coercion, he may hold his ground indefinitely. So, as it is easier and safer to use a lure than a weapon, a custom once grew up among the Government's servants of actually paying Indians, on one or another outwardly respectable pretext, to send their children to a boarding-school; and when once the elders had learned that they could thus not only propitiate the mysterious dispenser of gifts who lived in far-off Washington but at the same time be saved further expense for coats and shoes and food for their offspring, the descent from independence to mendicancy was made doubly straight and smooth for their feet. And thus has it come about that whereas the Southern Negro, after a hard day's labor, will sit up half the night to study under a teacher whom he pays from his slender wages, and the Chinese coolie in the far West heaps presents upon the missionary who opens a school where he can pick up his A-B-C, the Indian—the only inhabitant of the United States for whom the Government furnishes an education, with support thrown in, free of all expense or future obligation—sets a price upon his acceptance of the favor, and gets it!

Before all the instincts of manhood could be deadened

in the aboriginal race by their law-imposed pauperism, and the last hope of any individual incentive crushed out of them, the late Senator Henry L. Dawes came to the rescue with his act of February 8, 1887, for the allotment of lands in severalty. Omitting unnecessary detail, this law authorized the President, whenever in his judgment the time was ripe, to carve up a reservation, allotting to each member of the resident tribe a certain number of acres—the area depending on the character of the land and the family relations of the allottee, but the tract to be of the allottee's own selection—and to issue to him a patent containing a clause under which the Government should hold the allotted land in trust for the allottee for twenty-five years and then give him a patent in fee in exchange for the trust patent. The trust patent itself invested the patentee with all the privileges of American citizenship unaccompanied by any of its responsibilities, and he was expected to utilize the twenty-five years' trust period in preparing himself for his new status by learning how to earn a livelihood and take care of his property. This law has been widely acclaimed as the Emancipation Proclamation of the red man.

It was certainly a valuable measure for its day; for the first essential then was to arouse the public mind and conscience to the importance of weakening the tribal bond and dissolving the system of common ownership. To add that the test of several years' experiment developed in it a few shortcomings, and that some of its most commendable features did not meet all the requirements of a later era, is in no sense disparaging

to its general worth. As is always the case with a piece of radically progressive legislation, many of its most enthusiastic champions expected too much of it. One assertion, for example, which was heard on every side when the act first appeared, was that its provision for giving every Indian a home meant his speedy assimilation to the white man, because the home is the basis of Caucasian civilization. The fallacy here lies in the fact that among our race the home is not a means but an end: we do not treat it as an instrument of civilization except in a sense by reflex influence, but as a prize to be sought, a crown which rewards successful effort. So in this instance, as in that of the rations, what the white man struggles to obtain was forced upon the Indian without his asking, if not indeed against his will. This reverses the natural order of evolution.

The same was true of the citizenship feature. The old-fashioned Indian has never aspired to citizenship: his foremost thought has always been to escape it if he could. All he desired was to be let alone and allowed to live in the way of his ancestors. Though that might be out of the question, it seemed scarcely reasonable, in bringing him into closer touch with our social order, to raise him above the white man. Yet this is what happened when the Government trust relieved his land of taxation and protected it against property reprisals by any one he had wronged; and the same Dawes Act which pronounced him incompetent to take care of his own affairs for the next twenty-five years, nevertheless endowed him with a ballot which enabled him, in all public concerns, to share in regulating your affairs and mine!

36 THE INDIAN AND HIS PROBLEM

Two consequences were bound to flow from the premature citizenship of the Indian. One was the degradation of the elective franchise at his hands. This was not confined to his voting for the wrong men or the wrong measures now and then, for such errors occur among uneducated citizens of all races; the trouble was that he did not even know what he was doing. I have seen petty local bosses "round up" Indians as they would round up cattle, "herd" them to the polls, and "vote them"—to use their own boastful phraseology—for whomever and whatever they chose, the poor victims wondering in a sodden way what it all meant, and feeling no interest in the ceremony beyond the prospect of a free feast of dried beef, crackers and soda-water promised them for the following afternoon.

The other result was the exposure of the Indian to easy debauchment by the dramseller. For nearly eighteen years after the passage of the Dawes Act, persons indicted for selling intoxicants to allottees and running the gauntlet of the local courts in the frontier country invariably pleaded that there was no constitutional limitation on the right of any citizen to buy, or of any licensed dealer to sell him, as much liquor as he wished. The decisions were almost as varied as the complaints; and as the authorities were often cowardly and willing to "let things drift" instead of fighting out a case to the last extremity, no final adjudication of the fundamental question was obtained. In a certain sense, therefore, it was a positive comfort to those of us whose optimism would bear the strain, when the case of a liquor-dealer named Heff, convicted in Kansas, was car-

ried up to the Supreme Court of the United States and there decided, in 1905, in favor of the defendant. After that, we at least knew where we stood before the law, and could do something intelligently for the relief of the situation.

The Dawes Act, moreover, omitted any provision for anticipating the natural end of the trust period and issuing a patent in fee to an allottee who might be discovered, at any time, to be no longer in need of the Government's guardianship. A limitation fixed by law can be set aside only by the same authority that imposed it. Hence the brightest, most ambitious and progressive member of a tribe, even though the blood in his veins were seven-eighths Caucasian, was compelled to procure an act of Congress to enable him to sell or mortgage his land; and this meant that from the moment his inclination was suspected he was exposed to the importunities of the second-rate lawyers, petty politicians and professional lobbyists who swarm in the small towns on the edges of most reservations. As the allottee was presumed to be unknown to the Representative in Congress who would have to engineer his bill through that body, the politician enlarged upon the necessity of such a "pull" at Washington as he possessed and which he was willing to exert for fifty or one hundred dollars. The attorney quietly pooh-poohed the necessity for a pull, but assured the allottee that the process of obtaining a patent was very complicated and that a mistake made at any stage would vitiate everything, but that he could practically guarantee success for a fee of about the same amount as the

politician had suggested. The lobbyist had little respect for either the legal or the political phases of the case, and whispered that what was really needed was to "reach" the right men in Washington, and the winks and gestures with which he emphasized his remarks were intended to convey an impression that a few dollars might be well invested in buying the interest of certain statesmen. So the poor fellow was liable to be not only robbed of so much money, but corrupted in his mental attitude toward all the high privileges represented by his citizenship.

Presuming the inability of the Indians to make a beneficial use of their landed property till they had got along considerably further in civilization, Congress provided by law for a leasing system whereby it could be made to bear an income for them in the interval. A tribe may lease all its lands or as large a part of them as it likes, the Agent or Superintendent in charge of the reservation, the Commissioner of Indian Affairs and the Secretary of the Interior arranging the details and collecting the rents. In this line of business the negotiations are usually with owners of herds of livestock or with mining companies. A council of the tribe is called to pass on all leasing questions, the Government officers acting as its clerical and fiduciary representatives. If a tribe, however, insists on standing in its own light by refusing to entertain obviously profitable proposals for pasture leasing, and thus is letting a valuable grass range go to waste, the Commissioner sometimes brings into play a permit system under which outside owners of livestock may graze their herds on the reservation for

a year at a time, on payment of a fixed annual fee for each head admitted, the number of head being always limited to the reasonable capacity of the range. The money received for permits may be given to the Indians, and in not a few instances is their sole source of cash revenue; or it may be spent for the benefit of the tribe in some way. The Indians know this fund as "grass money."

Allottees, if able-bodied men, have always been expected to cultivate their farms, but this was for many years largely an amiable fiction. Aged Indians, those of unsound mind, invalids, cripples, women and children were exempt from the requirement, and as a consequence there was a constant temptation for the able-bodied who were not industriously inclined, to practise deception for the purpose of having themselves included in one of the excepted classes. If that proved impracticable, they would lie by and take their chances of squeezing a living out of the rentals of their wives' and children's allotments. On not a few reservations the Agent was too busy or his official staff too short-handed, or the hired white farmers were too easy-going to keep a proper watch for such cases, so that the allotment-leasing system became at one time more noteworthy for its abuses than for its benefits. Now and then a spasm of severity would seize an Agent or some visiting Inspector, and an overhauling would follow, with the result that for a while only the farms of really helpless Indians would come into the market in this way, and life would be made sufficiently uncomfortable for the shiftless to force them into doing some work on

their allotments; but when it is remembered that on an agricultural reservation of a half-million acres the appropriations available for salaries sufficed for hiring only three or four farmers to look after the industrial instruction and discipline of the whole tribe scattered over it, the comparative hopelessness of the situation will be appreciated.

If an allottee dies while the trust still covers his land, his allotment passes to his natural heirs. He is not at liberty to dispose of it by will till it is relieved of the trust. Apart from all technical considerations, the logic of this restriction will appear on a moment's thought. The reason for imposing the trust was the presumed incompetency of the Indian, and to allow him to bequeath his allotment to whom he pleased while still denying him the privilege of alienating or encumbering it would be a self-contradiction; for what he could not be trusted to dispose of during his full strength and vigor, he might on his deathbed throw away upon any covetous trickster who took advantage of his weakness. The system was liberalized somewhat by a law enacted in 1902, which gives the heirs the right to have the property sold for their benefit in case they do not care to keep it; and it is hardly necessary to say that the glamour of a prospective payment in visible and spendable dollars usually overcomes any ambition on their part to become larger landed proprietors. On their petition, the Government advertises the allotment, and calls for sealed proposals for its purchase, to be filed on or before a certain date at the local agency. Meanwhile the Superintendent of the reservation has made a careful

inspection of the property and deposited in his safe a secret memorandum of his estimate of its value, which is not opened till the bids are, and serves then as a fixed minimum, no bid for a less amount being considered.

The opening of the proposals is a public function, anybody who wishes to be present being welcome, and the attendance always including representatives of the several bidders and usually some real estate operators and other more remotely interested parties; and for the protection of all concerned it is required that every bid shall be accompanied by cash or a certified check for twenty-five per cent. of the bid, which is forfeited if a successful bidder fails to carry out the rest of his obligation. The land having been sold for the highest price obtainable, the proceeds are divided between the heirs, and each one's share is deposited to his credit by the Superintendent of his agency in a neighboring national bank, which has previously bonded itself for the safe-keeping of individual Indian moneys.

CHAPTER III

THE PROBLEM, AND A WAY OUT

A Human, not a Mere Race Question—Following the Course of Nature—Proof of the Indian's Stamina—Starting Work with the Boys and Girls—Practical Teaching Better than Ornamental—Dissolving the Mass and Building the Man—Criticisms Passed on the Policy of Shrinkage—A Picturesque and Artistic People—Improvement, not Transformation, the Right Ideal.

THE more we study the Indian as he was before he became subject to our laws and conventions, the more we are impressed with the strong family likeness between most of his traits and those of our own remote ancestors. The manifest inference is that what we call the Indian problem is a human rather than a race question, and that its solution must be sought on common-sense rather than theoretical lines—in other words, by following the course of nature instead of concocting artificial devices to meet the demands of every special situation. In pursuance of this idea I have always, in handling the Indian myself or influencing the activities of others, kept steadily in view the necessity of making him into a citizen of the United States in the broadest and best sense of the term; but, while realizing fully the importance of his conforming his mode of life generally with that of his fellow countrymen of other races, never

THE PROBLEM, AND A WAY OUT

(43)

forcing him into such conformity in advance of his natural movement in that direction. Hence I have ignored mere externals as far as I could, and concentrated my thought upon the essence of things. I have done nothing to interfere with his preferences as to the clothing he shall wear, or the sort of dwelling he shall live in, or what and how he shall eat and drink, beyond laying down a few fundamental rules, equally applicable to mankind all over the civilized world, by observing which the individual is spared needless friction with the prevailing social order: for example, he must respect the common decencies and the obvious rights of his neighbors. Beyond that I would leave him to himself, on the principle that ~~any~~ group of men are governed best when governed least.

Next to the well-nigh universal error of assuming that the Indian is only a white man with a red skin, the most frequent mistake made even by sympathetic friends is to take it for granted that because he is a non-Caucasian he is to be classed indiscriminately with other non-Caucasians, like the Negro, let us say. The truth is that, in spite of the analogy traceable between the customs of all races in their primitive stage, the Indian has a distinct individuality; and nothing shows it more convincingly than the way he has survived his experiences as a victim of conquest.

Suppose, a century or so ago, an absolutely alien people like the Chinese had invaded our shores and driven the white colonists before them to districts more and more isolated, destroyed the industries on which they had always subsisted, and crowned all by disarming

them and penning them into various tracts of land where they could be fed and clothed and cared for at no cost to themselves: to what condition would the white Americans of to-day have been reduced? In spite of their vigorous ancestry they would surely have lapsed into weakness of mind, body and will, and become pauperized. No race on earth could overcome, by forces evolved from within themselves, the effect of such treatment. That the Indians have not been wholly ruined by it, is the best proof we could ask of the sturdy traits of character inherent in them. But, though not ruined, they have suffered serious deterioration, and the chief task now before us is to prevent its going any further. To that end we must reckon with several facts.

First, little can be done to change the Indian who has already passed middle life. By virtue of that very quality of steadfastness which we so admire in him when well applied, he is likely to remain an Indian of the old school to the last. With the younger adults we can do something here and there, where we find one who is not too conservative; but our main hope lies with the youthful generation, who are still measurably plastic. The picture which rises in the minds of most Eastern persons when they read petitions in which Indians pathetically describe themselves as "ignorant" and "poor," is that of a multitude of red men hungry for knowledge and eager for a chance to work and earn their living as we do. In actual life and in his natural state, however, the Indian wants nothing to do with us or our civilization; he clings to the ways of his an-

cestors, insisting that they are better than ours; and he resents the Government's efforts to show him how he can turn an honest dollar for himself by other means than his grandfathers used—or an appropriation from the Treasury. That is the plain English of the case, strive as we may to gloss it with poetic fancies or hide it under statistical reports of progress. What we have to do is to win over the Indian children by sympathetic interest and unobtrusive guidance. It is a great mistake to try, as many good persons of bad judgment have tried, to start the little ones in the path of civilization by snapping all the ties of affection between them and their parents and teaching them to despise the aged and non-progressive members of their families. The sensible as well as the humane plan is to nourish their love of father and mother and home, which is a wholesome instinct planted in them for a wise end, and then to utilize this affection as a means of reaching, through them, the hearts of the elders.

Again, in dealing with these boys and girls it is of the utmost importance not only that we shall start them aright, but that our efforts be directed to educating rather than merely instructing them. The foundation of everything must be the development of character. Learning is a secondary consideration. When we get to that, our duty is to adapt it to the Indian's immediate and practical needs. Of the thirty or forty thousand Indian children of school age in the United States, probably at least three-fourths will settle down in that part of the West which we still style the frontier. Most of these will try to draw a living out of the soil; a less—

though, let us hope, an ever increasing—part will enter the general labor market as lumbermen, ditchers, miners, railroad hands or what not. In simple terms, the great mass of Indians have yet to go through the era, common to the history of all races, when they must be mere hewers of wood and drawers of water. Now, if any one can show me what advantage will come to this large body of manual workers from being able to reel off the names of the mountains in Asia or extract the cube root of 123456789, I shall be deeply grateful. To my notion, the ordinary Indian boy is better equipped for his life struggle on a frontier ranch when he can read the local newspaper, can write a short letter which is intelligible though maybe ill expressed and crudely spelled, and knows enough of figures to discover whether the storekeeper is cheating him. Beyond these scholastic acquirements his time could be put to its best use by learning how to repair a broken harness, or straighten a sprung tire on his wagon wheel, or fasten a loose horseshoe without breaking the hoof, or any of the hundred other bits of tinkering which are so necessary to the farmer who lives thirty miles from a town. The girl who has learned only the rudiments of reading, writing and ciphering, but knows also how to make and mend her clothing, to wash and iron, and to cook her husband's dinner, will be worth vastly more as mistress of a log cabin than one who has given her best study to the ornamental branches.

Moreover, as soon as an Indian of either mixed or full blood becomes capable of taking care of himself, we should set him upon his feet and sever forever the ties

which bind him either to his tribe, in the communal sense, or to the Government. This principle is imperative as to both land and money. We must end the un-American absurdity of keeping one class of our people in a common lump. Each Indian must be recognized as an individual and so treated, just as each white man is. Thanks to a few statesmen of advanced ideas, we have for nearly a quarter-century been individualizing the Indian by breaking up, one at a time, the reservations set apart for whole tribes, and establishing each member as a separate landholder on his own account; and more recently we have begun making the same sort of division of the tribal funds. At first, of course, the Government must keep its protecting hand on every Indian's property after it has been assigned to him by book and deed; then, as one or another shows himself fit to pass out from under this tutelage, he must be set fully free and given the white man's chance, with the white man's obligations to balance it.

We must strive, too, in every way possible to make the Indian an active factor in the upbuilding of the community in which he is going to live. The theory too commonly cherished on the frontier, that he is a useless survival from a remote period, like the sage-brush and the giant cactus, must be dispelled, and the way to dispel it is to turn him into a positive benefit. Let him be taught to transact all his financial business, or as much of it as practicable, in his nearest market town, instead of looking to the United States Treasury as the only source of material blessings. Any of his

money which he cannot use or is not using for his own current profit should be deposited for him, in reasonably small parcels, in local banks bonded for its safe-keeping, so that the industries of the neighborhood will have the use of it and everybody will be better off for such prosperity as has come to the Indian. On like grounds encouragement should be given to all proper measures which point toward absolving the Indian from his obsolete relation to the licensed trader, and teaching him to deal with those merchants whose prices are fairest, whether near his agency or at a distance. In short, our endeavor ought to be to keep him moving steadily down the path which leads from his close domain of artificial restraints and protection toward the broad area of individual liberty enjoyed by the ordinary citizen.

Incidentally to this programme, let us seek to make of the Indian an independent laborer as distinguished from one for whom the Government is continually straining to invent occupations. He can penetrate a humbug, even a benevolent humbug, as promptly as the next man; and when he sees the Government creating purely fictitious needs in order to find a pretext for giving him something to do, he despises the whole thing as a fraud, like the poor white whom some misguided philanthropist hires to carry a pile of bricks from one side of the road to the other and then back again. The employment bureau which I organized experimentally in the Southwest in 1905, and afterward extended to cover the whole Western country, is designed to gather up all the able-bodied Indians who, through the pinch

of hunger it may be, have been moved to think that they would like to earn some money, and plant them upon private ranches, upon railroads, in mines, or wherever else in the outer world a dollar can be fairly earned by days' labor. The Supervisor in charge of the bureau at first scrutinizes their contracts with their employers, sees that their wages are paid them when due, and looks out for them if they fall ill; but as soon as any of them show that they are able to attend to these things for themselves, he takes his hands off, and all who have been thus set upon their feet are given to understand that for whatever comes to them thereafter they will have themselves to thank.

Some one has styled this a policy of shrinkage, because every Indian whose name is stricken from a tribal roll reduces, by virtue of such emancipation, the dimensions of our red-race problem by a fraction—small, perhaps, but by no means negligible. If we can watch our body of dependent Indians shrink even by one member at a time, we may congratulate ourselves that the complete solution is only a question of patience. The process of general readjustment, though necessarily gradual, should be carried forward as fast as it can be with presumptive security for the Indian's little possessions, and I should not let its educative value be obscured for a moment. *(The leading-strings which have tied the Indian to the Treasury ever since he began to own anything worth owning have been a curse to him.)* They have kept him an economic nursling long past the day when he ought to have been able to take a few steps without assistance, and left him an easy victim

to such waves of civic heresy as sweep over the sparsely settled West from time to time.

In this chapter I am, of course, presenting only the bare outlines of a policy which, throughout my term as Commissioner of Indian Affairs, I devoted my best strength to establishing in practice. The subject is too vast for more particularized treatment at the moment, or for exhaustive consideration in any single volume; though I shall take up later, one by one, the topics here suggested, and do what I can to clarify them by concrete applications of the principles involved. It seems to me, however, that this is the suitable place for meeting a few objections which I know from experience will be raised. "Would you," one critic will ask, "tie the young Indian down in his schooling to the 'three R's' and then turn him loose to compete with the white youth who has had so much larger scholastic opportunity?" I answer that I am discussing the Government's obligations rather than the Indian's possibilities. I would give the young Indian all the chance for intellectual training that the young Caucasian enjoys; he has it already, between Governmental aid and private benevolence; and in a population teeming with generous men and women of means, no lad of any race with the talents to deserve and the ambition to work for an education need go without it. All that I would assert is what anybody familiar with the field can see for himself, that the great mass of Indian children are no more prepared than the great mass of white children for profitable conveyance beyond the elementary studies. By force of both ancestry and environment they are

not in a condition to absorb and assimilate, much less to utilize effectively, the higher learning of the books, and it is unwise to promote an unpractical at the expense of an obviously practical course of instruction.

A second critic will doubtless air his fears as to what will become of the Indian's land and money under such a "wide open" policy. Well, my friend, what will become of the land and the money that you leave to your children, or I to mine? Will the young people be any better able to take care of it for having been always kept without experience in handling property? Swindlers will unquestionably lay snares for the weakest and most ignorant Indians, just as they do for the corresponding class of whites. We are guarding the Indian temporarily against his own follies in land transactions by holding his allotment in trust for him for twenty-five years unless he sooner satisfies us of his business capacity. Something of the same sort will be done with respect to his cash capital. In spite of all our care, however, after we have set him free he may fall a victim to sharp practices; but the man never lived—red, white or of any other color—who did not learn a more valuable lesson from one hard blow than from twenty warnings.

Much has been said and written about the "racial tendency" of the Indian to squander whatever comes into his hands. This is no more racial than his tendency to eat and drink to excess, or to prefer pleasure to work: it is simply the assertion of a primitive instinct common to all mankind. What we call thrift

is nothing but the forecasting sense which recognizes the probability of a to-morrow. Indeed, the concept of a to-morrow is the boundary between barbarism and civilization, and the only way the Indian can be carried across that line is by learning from experience that the stomach must go empty to-morrow unless to-day's surplus is saved overnight to meet to-morrow's deficit. Another sense lacking in primitive man is that of property unseen. You will never implant in the Indian an idea of values by showing him a column of figures. He must see and handle the dollars themselves in order to learn their worth, and he must actually squander some and pay the penalty before his mind will compass the notion that what he spends for foolishness he will not have still at hand for the satisfaction of his needs.

A further objection to my programme may be that it is premature. Whoever raises that plaint is taking counsel of his timidity rather than of his observation. If we do not begin now, when shall we? The whole trend of modern events shows that one day a great change must come over the Indian's status, for anomalies in the social system are as odious as abnormalities in nature. Either our generation or a later must remove him from his perch of adventitious superiority to the common relations of citizenship, and reduce him to the same level with other Americans. It would be cowardice in us to shirk the responsibility for starting the undertaking and guiding it into the right groove; for we do not know who may have the direction of it at some later period—whether a friend of our red

brother, or an enemy, or one who regards him and his fate with indifference.

But in the course of all we are doing to make the Indian into a citizen like the rest of us, we must avoid confusing civic with natural conditions. Nature has drawn her lines of race, which it is folly for us to try to obliterate along with the artificial barriers we throw down in the cause of civil equality. The man whom she has made an Indian, let us try to make a better Indian, instead of struggling vainly to convert him into a Caucasian.] Every attempt made by the Government, the politicians, or short-sighted educators, to blot out a distinction stamped upon him by a hand more powerful than ours, has accomplished nothing beyond making a strong man a hopeless and pathetic nondescript. Are we then to let him alone? No, for that is to fly to the other extreme. We do not let the soil in our gardens alone because we cannot turn clay into sand or the reverse: we simply sow melon seed in the one and plant plum trees in the other. It is not necessary that we shall metamorphose whatever we wish to improve. Our purpose should be to get out of everything the best it is capable of producing, and in enhancing the value of the product the last thing we should do is to destroy the source. What would be thought of a horticulturist who should uproot a tree which offers an excellent stock, merely because its natural fruit is not of the highest grade? A graft or two will correct this shortcoming, while the strength of the parent trunk will make the improved product all the finer, besides insuring a longer period of bearing.

Follow this analogy in the case of an aboriginal race which possesses vigorous traits of character at the start, and see where it leads.

Even by persons who do not trust to books for all their information, but make a feint of seeking it at first hand, the character of the Indian is often mis-judged because studied from poor specimens. If we are to treat him with justice, we must not accept as his dominant type the hanger-on about the edges of an agency or the lazy fellow who lounges all day in the gambling saloon of a frontier town. To find the real Indian we must go back into the wilder country where white ways have not penetrated. Here we find him a man of fine physique, a model of hospitality, a kind parent, a genial companion, a stanch friend and a faithful pledge-keeper. Is not this a pretty good foundation on which to build?

Yet I have no absurd idea of painting the Indian as perfect, or even well on the road toward perfection. Against his generosity as a host, for instance, must be balanced his expectation that the guest of to-day will return his entertainment when next they meet; his daring in battle is offset by his conviction that an enemy is fair game for any trickery. It is for our civilization not forcibly to uproot his strong traits as an Indian, but to lead them into better channels—to teach him the nobility of giving without expectation of return, and of proving his courage by good faith toward an active foe and mercy for a fallen one. The pugnacity and grit which command our admiration for him in war, his readiness to endure hunger and

fatigue and exposure for the sake of making a martial movement effective, are the very qualities which, addressed to some better accomplishment than bloodshed, would compel success.

The thoughtless make sport of the Indian's love of adornment, forgetting that nature has given him an artistic impulse of which this is but the spontaneous expression. What harm does it do that he likes a red kerchief about his neck or a silver buckle on his belt? Does not the banker in the midst of our civilization wear a scarf-pin and a watch-chain, and fasten his linen cuffs with links of gold? A white visitor to the Hopi mesas in Arizona, looking at some of the earthenware, rude in quality but ornamented with symbolic figures of serpents and lightning and clouds and dropping rain, remarked on the symmetrical grace of outline of a certain vase. A friend rebuked him with the comment that the Indian who made that vase would have been better employed at hoeing corn for the next year's use. The criticism was ill-founded. Here was a piece of work showing real artistic feeling. Hoeing corn is good in its place, but not all of us can hoe corn: some must teach and some write for the press, some sell goods and some build houses. All are equally producers, and if it were not for diversity of occupation and production the world would be a cheerless and uncomfortable place indeed. Corn will feed us, but it will not clothe or shelter us or furnish us with exercise for the intellect. On the other hand, we can live without beauty, but life is certainly fuller for having it. The vase has its use in the world as well as the ear of corn.

At a gathering of Eastern philanthropists where several Navajo blankets of different weaves and patterns were exhibited, I heard a well-meaning person propose that a fund be raised for supplying the Navajo weavers with power looms so as to build up their special industry. My objection that the wool raised by the Indians was not of the quality required for finer work was promptly met by the assurance that it would be a simple matter to send Connecticut-made yarns to Arizona with the looms. I ventured to suggest that this programme be completed by sending also some New England mill-hands to weave the blankets, since that was all that would be necessary to eliminate the Indian altogether from the proposition. The argument was not carried further.

Our friend had probably never paused to think that the Navajo blanket derives its chief value not from being a blanket but from being Navajo. The Indian woman who wove it cut the little trees which framed her home-made loom, and fastened the parts in place. She strung her warp with her own hands. She sheared and carded and spun and dyed the many-colored threads of her woof. She thought out her own design as she worked, and carried it so distinctly in her mind that she needed no pattern. At what point can we break into this chain and substitute a foreign link without changing the character of the whole? A connoisseur in Navajo blankets who loves them for the humanity that has been woven into them, balks when he discovers in a design one figure which is not Indian or which bears the aniline taint; the charm begins to fade

with the intrusion of the Caucasian hand into the work. So, if we first waive the questions of Indian wool and native dyes, and then set up a loom of modern device, why not make a clean sweep of the whole business and get rid of the Navajo woman too?

The Indian made over into an imitation white man is bound to be like the Navajo blanket from which all the Navajo has been expurgated—neither one thing nor the other. I like the Indian for what is Indian in him. I want to see his splendid inherited physique kept up, and himself glorying like his ancestors in fresh air, in freedom, in activity, in feats of endurance. I want him to retain his old contempt for hunger and thirst, heat and cold, and all forms of danger, when he has anything to do. I love the spirit of manly independence which moved an aged chief once to beg that I would throttle a proposal to send rations to his tribe, who had never received such gratuities before, because he did not wish their young men to be ruined by learning to eat free bread out of the Government's hand! I have no sympathy with the sentiment which would throw the squaw's bead-bag into the rubbish heap as a preliminary to teaching her how to make lace. Teach her lace-making by all means, just as you would teach her bread-making, as an addition to her stock of profitable accomplishments; but don't set down her beaded moccasins as purely barbarous, while holding up her lace handkerchief as a symbol of her advanced civilization. Our aborigines bring as their contribution to the common store of American character a great deal which is admirable, and which needs only to be developed

aright. Our proper work with them is improvement, not transformation.

The changes which are bound to come over the Indian's life come best, and are most soundly fixed, by the use of gentle and deliberate methods. The Indian who wishes to do right is far easier led than driven. I have been struck by that fact in watching for many years the difference between the degrees of success achieved by various Superintendents in handling the tribes in their charge. The severe disciplinarian makes an impression, but it is purely external, and, like the print of one's hand on a piece of soft rubber, is effaced as soon as the pressure is removed. The tactful leader, on the contrary, sees his followers adopt his ideas, not because they are his, but for the much better reason that they appeal to the Indian understanding.

Deliberation is of the essence of tact in dealing with Indians. Short steps are best, for their minds do not take long and quick leaps ahead with respect to new things. The two Superintendents whose work stands out in my memory most clearly as exemplifying the slower but surer method deserve a few paragraphs by themselves. One of these men, in establishing a new agency plant, built the cottages of the employees of adobe brick, made of clay dug out of the adjacent desert and baked on the premises. Their architecture was of a simple style, just one or two degrees above the quality of work he had observed that the Indians could do unassisted; and all the bricklaying and carpentry he had done by Indian labor under white direction. The effect of this was that the Indians, in-

stead of being discouraged by the sight of workmanship far beyond anything they could hope to attain, were inspired to try something of the same sort for their own dwellings. They were thus aided to lift themselves, instead of being pulled or pushed or prodded into an upward step.

The other Superintendent was in need of three Indians for assistant farmers at his agency. He found the right men, but when he opened negotiations they all declined his offer, and for a single reason—they were unwilling to live apart from their families.

"That's all right," he answered; "bring your families with you."

"But," argued the men, "our families do not know how to live as the agency people do. They have always lived in the old Indian way, and do not want to change."

"Then tell them that they need not change. I have three old houses at the agency, still comfortable, which you may use for your homes, and you may live there in any way you choose."

They took him at his word and came. I saw them the next year. They were eating their food from tables instead of from the floor. They were sleeping in beds instead of on the ground. Their houses were a good way above the tribal average for cleanliness. All this was the result of absorption, not of artificial education or forcing. They had mixed with white people, noticed white ways which were superior to theirs in convenience, and adopted them for that reason and not because any one had ordered them to do so. That meant that the

improvement would be permanent, and that it would gradually spread to other Indians.

Finally, we must not expect that the solution of the Indian problem will be easy because it is so plain. In the course of merging this hardly-used race into our body politic, many individuals, unable to keep up the pace, will fall by the wayside and be trodden underfoot. Deeply as we deplore this possibility, we must not let it blind us to our obligation to the race as a whole. It is one of the cruel incidents of all civilization in large masses that a multitude of its subjects must be lost in the process. But the unseen hand which has helped the white man through his evolutionary stages to the present will, let us trust, be held out to the red pilgrim in his stumbling progress over the same rough path.

CHAPTER IV

WORKING OF THE BURKE LAW

Need of Amending the Dawes Allotment Act—Arguments Offered in Defence of Premature Enfranchisement—The Burke Idea Not Wholly Novel—The Old Act and the Amendment Each Suited to Its Day—Precautions Taken to Protect the Indian Beneficiary—Attitude of the Government Toward the Emancipated Allottee—Who Apply for Patents in Fee—Congress Broadening its Policy.

IN discussing the general allotment act, more commonly known as the Dawes Severalty Law, I commented on some of its provisions which in course of time called for amendment. It is not probable that Senator Dawes, with his large experience and his philosophic mind, was blind to the significance of these features, or to the probability that a later generation would regard them as defects. It was his duty and desire to hew a path for the people of his own day to travel, which posterity could improve without abandoning. For instance, it is to be presumed that he recognized the dubious possibilities lurking in the immediate citizenship of the allottee, but believed that the good effects of the provision would in the long run more than counterbalance its perils. As to the ballot, I do not question that he proposed to give it to the allottee at once as a weapon and an educator. As long as Indians remained a negligible

quantity in politics, he reasoned, so long would their rights be ignored by the men who made politics a profession; give them a means of making their pleasure or resentment felt, and the party managers would begin to take an interest in their welfare.

And his judgment was sound, as far as that view of the matter went. The changed attitude of a number of public men whose continuance in power depended on the popular vote, was marked in a very short time after President Cleveland signed the Dawes bill, albeit the new influence did not always work in a way to cheer the hearts of discriminating patriots, for those who were most moved by it often curried favor with the freshly made citizens by meretricious rather than worthy appeals. Still, the suffrage idea had much to commend it on tactical grounds. It was of the highest importance that public approval should be marshalled in full strength behind the champions of the allotment scheme when it was brought forward in legislative shape, and at that time there were a great many well-meaning persons all over the country who instantly became suspicious whenever the powers in Washington threatened to lay a finger upon the Indian and his land even with the kindest ends in view. This was the class on whose sentimental horizon the ballot, bearing with it both a sword and a shield for the oppressed, loomed large. "Make the Indian a voter," they argued, "and he can protect himself." So the promise of Indian enfranchisement drew them to enlist under Senator Dawes's leadership instead of obstructing his efforts; those members of Congress who in ordinary circumstances would have

resisted any plan which seemed likely to interfere with keeping the Indian in subjection through the tribal tradition, found themselves suddenly confronted by a force which they must reckon with; and the day was won.

Mr. Dawes realized, I doubt not, that his Indian ballot-bearers would for a while fall an easy prey to the local bosses and "be voted" instead of voting; but he was a stanch believer in the theory that ignorant voters learn best how to use the ballot by using it in some way, right or wrong, till they have fairly got their bearings as citizens. As to the freedom of the allottee to procure all the intoxicating drink he wished, I have the best reasons for saying that the Senator foresaw precisely what would come to pass, but that he regarded exposure to such temptation as essential to the cultivation of a well-rounded character. On all the points in the general allotment act which have been specified in these pages as needing revision, indeed, there was ample room for honest differences of opinion between intelligent and high-minded men, if not always as to the moral principles involved, at least as to expediency or timeliness. It was therefore no unfriendly spirit toward those with whom I could not agree, and no disrespect for their motives, which impelled me to co-operate heartily with Representative Charles H. Burke of South Dakota in promoting the passage of his act of May 8, 1906, amending the Dawes Law in some vital particulars.

The chief changes wrought by the Burke Act were, first, the postponement of citizenship for the Indian

Allottee till he had exchanged his trust patent for a patent in fee—that is, till the Government had decided that he was, or ought to be, competent to care for his own affairs; and, second, the provision of a means whereby any competent Indian could obtain such a patent without going to Congress for special legislation. The effects of endowing the Indian with citizenship before he even knew what it meant, and of confining that endowment to the privileges without any of the compensating obligations which attach to such civic status when conferred upon a member of any other race, we have already considered. The new law put an extinguisher upon these for the future. It could not be made retroactive, for, once conferred, there was no recalling the right of citizenship; so all Indian allottees who had received patents before President Roosevelt appended his signature to Mr. Burke's bill, were and have remained citizens of the United States and of the States in which they respectively resided. But every Indian who has received a trust patent since that date has received it as a ward of the Government; his land is not taxable, neither can he alienate or encumber it, but on the other hand no ballot or other like privilege goes along with it. Every one is forbidden by law, under severe penalties, to sell or give him intoxicating drink, and that prohibition persists till the President issues to him a patent in fee and thus raises him to full citizenship.

Most persons who criticise the Burke amendment speak of it as if it involved an idea of startling and perilous novelty. As a matter of fact, every one who really

keeps in touch with Indian affairs had at least ten years in which to think the subject over; for as long ago as the autumn of 1895 Secretary Hoke Smith, in his annual report, made the following suggestions:

According to the present law, an Indian becomes a citizen of the United States upon receiving his allotment; he is frequently ready to receive land before he is prepared for the consequences of citizenship. . . . Upon each reservation a part of the Indians will be ready for citizenship long before others, and all of them will be ready to own land individually, and to work it, before they are ready for citizenship. . . . A roll should be prepared each year, upon each reservation, of those ready to receive patents to their lands, and later on yet another roll should be made each year of those on each reservation who are fitted to be advanced to citizenship. I am aware of the fact that such legislation would confer upon the Bureau and the Department a broad discretion, but the condition of individual Indians upon the same reservation varies to such an extent that legislation cannot handle the problem for a reservation and fix the same rules for all the Indians upon it.

Secretary Smith, having in his Southern home witnessed the evils of leaving intoxicating liquor free to be dealt out to ignorant and irresponsible citizens who, owing to a sharply drawn blood-line, did not mix on equal terms with the members of the governing race, doubtless had some of his observations in mind when he penned this recommendation. He would not have agreed, any more than the Western people living in States with a large but segregated Indian population,

with Senator Dawes's theory, that the chance for character-building was worth the risk taken. Personally—and I believe I echo the judgment of the supporters of the Burke Act generally—I do not see on what logical ground we can retain on the statute-book the existing prohibition of the liquor traffic among the Indians, and the requirement that for a certain period these people shall continue subject to the Government's guardianship, without making the two provisions co-operative, and giving the Government at least this measure of control over the conduct of an Indian for the period that it remains responsible for him in any sense. That is what we do in the case of trusteeships other than governmental, and we do it quite as much for the moral welfare of the incompetent as for the protection of the competent party in interest.

To the objection often raised by unthinking critics, that the Burke Act strips the Indian of the manhood in which it was the purpose of the Dawes Law to establish him, the answer is obvious, that each piece of legislation was suited to its own era. [The Burke Act, to the same degree that it makes citizenship more difficult for the unfit Indian to obtain, also makes it easier for the Indian who is fit.] No allottee who aspires to own his land outright and to cast his ballot in the same box with other Americans need now go through the pernicious mill of special legislation: all he has to do is to satisfy the Secretary of the Interior that he is competent to handle his own affairs and the patent in fee is granted without question. Admirable as this modification is, however, I fear that it would have been more of

a fault than of a virtue if Mr. Dawes had put it into his original allotment law; for, in the generation which witnessed the enactment of that measure, any broader opening to the removal of restrictions on the sale of an Indian farm would have made its owner at once a target for the merciless army of rogues who for so many years despoiled even our well-armed Government of its public lands. By the time Mr. Burke came along with his amendatory bill, the gentlemen in power at Washington had waked up to what was going on and were taking vigorous action to stop it.

Under the Departmental regulations framed for the administration of the Burke Act, any Indian who considers himself competent may file his application freely for a patent in fee. If he is distrustful of his own powers of expression in drawing up a paper of such consequence, he can have a blank printed application filled out and prepared for his signature by the Superintendent in charge of his agency. Notice of it is posted in the agency office and at other places on the reservation where it will be likely to attract the attention of the members of his tribe who are best acquainted with him. If any of these are aware of reasons why the patent in fee should not be granted him—as, for example, that he is an irresponsible drunkard and spendthrift, or that he has always been the easy dupe of grafters—they are invited to bring their information to head-quarters; and in the majority of instances they are only too ready to do so, because the Indian who has wasted his substance invariably falls back for food and clothes upon his thriftier friends or the members of his family who still have something.

In due course the Superintendent forwards the application to Washington, with a favorable or unfavorable indorsement from himself, founded on his knowledge of the applicant's character and antecedents. He must be prepared to answer a long series of questions propounded by the Indian Office, including these:

What is the estimated value of the land covered by the application?

Are you personally acquainted with the applicant?

Have you had a personal talk with him, and what reasons does he give for applying to have the restrictions removed from his land?

Is the application in the handwriting of the applicant?

Age of applicant?

Degree of blood?

Married or single?

Number in family?

Did applicant attend school? If so, where and how long?

Is he a person of good character and reputation?

Is he industrious?

Is he self-supporting? If so, how is the support obtained?

Is he addicted to the use of intoxicants?

Is he in good physical condition?

Has he had any practical business experience? If so, give the facts briefly.

Is he in debt? If so, what is the extent of his indebtedness, whom does he owe, and for what? What security has he given, if any, for his debt? Has he ever been in debt before? If so, what security did he give, how promptly did he settle his indebtedness, and on what terms?

Has he other lands that would continue to be held

in trust after the lands described in his application had been released? If so, give their acreage and character.

Does he cultivate his land? If so, has he made any advancement or accumulated any property? To what extent is the land improved? And what is the character, with possibility of improvement, of the part he wishes to have released, and the part, if any, he wishes to have retained under trust?

Has he been given the privilege of leasing his own land? Is it leased, and, if so, what rent does he receive?

Has he been importuned by speculators or any other prospective purchasers, directly or through agents, to procure a patent in fee and then dispose of his land? Has he made a contract to sell? If so, to whom, and is the price adequate?

Has the applicant or his wife any inherited land? Has either sold any, and, if so, what use was made of the proceeds?

If the applicant has inherited land, would it not be for his interest to sell the inherited land and retain his own allotment under the trust patent?

Have other members of the family allotments of their own?

If the applicant is a married woman, what is the reputation of her husband? Is he a man who would be likely to get possession of his wife's property and then desert her?

After carefully weighing the applicant's qualifications, taking into consideration his past record, his associations, the advancement he has made and the opportunities he has had, do you believe that he has the necessary business qualifications to enable him to manage his own affairs successfully?

Perhaps it is on this question of giving the Indian his individual parcel of land to do with what he will, and

on the kindred question of giving him his individual share of the money standing to the credit of his tribe on the books of the Government, that the widest diversity of judgment is found among educated and philanthropic whites. I have had men of the highest character and standing labor for hours at a time to convince me that I was harming the Indian by not giving him at once whatever belongs to him and throwing him upon his own resources; on the other hand, equally good and thoughtful men have protested against what they regarded as my too radical bent in the opposite direction. "He will never learn to stand alone," argued the first group, "till the Government has taken its hand off him." "He is only a child with a man's physical growth," insisted the second, "and to take your hand off now means that he will fall and be destroyed." Undoubtedly the truth lies somewhere between these extremes of opinion. My own policy was to set up the entire independence of the Indian as a near-by goal, and work toward it as fast as possible. It is true that the only way we can teach a child to walk is to let him walk; but this does not mean that during his first feeble efforts we may not keep an adult finger within reach, where he can clutch it if he feels that he is losing his balance. So with the Indian, our aim should always be to give him all the liberty he can be trusted with at any stage, but to keep a Superintendent within easy call, who, though no longer transacting all his business for him, stands ready at any moment to advise him if he asks for such help.

In other words, the Superintendent, who with the

tribal Indians laid down rules for their guidance and compelled obedience thereto, fought off outsiders who attempted to cheat or otherwise wrong them, conducted litigation in their behalf, and acted as the channel for all their communications with the Government, became with the emancipated Indians merely an older friend and neighbor. Under my instructions, he would no longer forbid them to do this and that, but would warn them, as a father may warn even his grown-up and independent sons, of the consequences of a certain line of conduct. If, in spite of his counsels, they persisted in doing a bad or foolish thing, they were at liberty to do it and bring the consequences down upon themselves. Usually, having sown the wind, at the first sound of the approaching whirlwind they hie to the Superintendent and try to take shelter behind him as they used to while still in a lower stage of development. It then becomes his duty to say: "No, I cannot protect you, for you are now on the same footing with all the other people in our country; but your rights in the premises are so-and-so, and, if you need the services of an attorney to assert them, I will help you to find one who knows the law and who will not rob you."

Moreover, in judging of an Indian's fitness to be cut loose from the Government's leading-strings, a broad distinction has always to be recognized between capacity and wisdom or moral excellence, and this has suggested some rather perplexing queries. Final papers have been issued to more than one Indian as to whom the chances were even whether they would pull through the crucial period with credit or plunge into

follies which would wreck them. The one question the Department has had to hold steadily before its mind is: "If these were white men, should we have any right, because of the faults we see in them now, to keep them out of their own?" For example, a very intelligent Indian belonging to one of the Dakota tribes was making a living by tending bar when he applied for his patent in fee. It was not a calling which any one with his best interests at heart would have chosen for him, but it was not technically unlawful where he practised it, he was not a drinking man himself, and it could not be discovered that he had ever been responsible for another Indian's drinking. It was plain that he had a legal right to take his land and sever connection with the Government as his guardian.

Another applicant was a progressive full-blood who had a hand in pretty nearly every activity which went on among the whites of his neighborhood. He was a restless spirit, a natural agitator, and he frankly admitted that he wished his land for the purpose of speculating with it. His prayer was granted, and he was given some good advice, which he regarded and disregarded in about equal parts. When last heard from he had run through a good deal of his property, not by dissipation or evil-doing of any sort, but in getting his practical education in the ways of the world. Still, nobody who knows him feels any doubt that he will make a living in one way or another, and not a poor one, by the exercise of his native shrewdness.

A third applicant received his patent after his characteristics had been thoroughly investigated and

he had been found to be the most precocious money-getter in his tribe, though his cleverness had found its chief expression in swindling two trust companies into lending him snug sums on the security of property which he did not own! Had purely moral considerations been uppermost here, he would have been cast out as unworthy; but in the judgment of the Department such ideals had no place in the scale by which his mere ability to take care of himself was to be weighed. What the law gave him was a right to his land if he was capable of managing his affairs, and the persons he had swindled were only too ready to testify that he had more of that sort of capacity than they had. Indeed, it seemed in every way better, wholly aside from his unquestionable legal rights, that he should be turned loose, cut off from further protection by the Government in his iniquities, and left to learn by bitter experience how hard is the way of the transgressor.

The oddest petition I recall was that of a murderer under sentence to be hanged, who wished to sell his land in order to pay the expenses of carrying his case to a higher court. If I remember aright, he did not even plead that he was innocent, but based his argument wholly on his right to exhaust his resources of appeal under the law. As it was a matter of life and death, the Department gave him the benefit of the doubt, and yielded what it recognized as fairly belonging to him.

In most instances, as the reader has doubtless inferred, applications for patents in fee are made with a view to the early sale of the land to outsiders. The services of the Government are always at the com-

mand of any Indian who entertains such a plan if, in spite of his general competency, he would prefer to consult a disinterested adviser. Such aid is of course a pure gratuity, is never urged upon the late ward by his guardian, and in actual practice is rarely asked. Nearly every Indian who is cut loose, absolutely on his own initiative, before the expiration of the trust period, is too full of the pride of his new-found freedom to care for any assistance which recalls his former condition. The great mass of Indians, however, strange as it may appear to most white citizens who do not come into personal contact with them, have no desire to be relieved of their restrictions, but look forward with dread to the day when, by the time limitation in their trust patents, relief is to come to them automatically. Provision has accordingly been made, by law and in Department regulations, for permitting such timid ones to petition the President for an extension of the trust period in their cases. The President acts only on the recommendation of the Department, and the Department scrutinizes the petitions with a view to sifting those which, because of the hopeless incompetency of the petitioners, are really deserving of consideration, from those which have their source in mere indolence. In a case coming within the former category, it is usual to recommend an extension of the trust for the rest of the petitioner's natural life. In the other class of cases it is deemed for the best interest of every one concerned to cut the tie, and leave the Indian who has recklessly wasted his tutelary period to make the best shift he can for a living.

Now and then I have come across an Indian who has sought a patent in fee for some other reason than his desire to turn his land into cash. One of my acquaintance has made use of his goodly acreage for a stock farm, where he is doing well and winning the wholesome respect of his white neighbors. Another, who came of a very frivolous family but had married a widow of intelligence and thrifty habits, wished to be able to will his farm to his wife's children by her former marriage, because they gave promise of doing something for themselves, while his own relatives and heirs-at-law would probably waste any estate which came to them through him. The prize exhibit in my gallery, though, is a Hoopa Indian who begged me to get his restrictions removed because he wished to pay taxes. When I expressed my astonishment at this aspiration, he explained it thus: "Every time I go to town with a load of farm produce and meet a white man on the way, the white man stands still in the middle of the road and I have to drive up on the bank to get past him, just because I am an Indian and pay no taxes." Then, after a slight pause and with intense emphasis, he added: "I want my half of the road!"

The good accomplished by the Burke Law has not been limited to the direct operation of its own provisions. It has had a wider influence in helping to procure other legislation in pursuance of the general policy of which it was the first fruit: I refer to the idea of concentrating, as regards matters of detail, more authority in the executive branch of the Government. Even under the system which it superseded, every bit

of legislation which came before Congress in behalf of an allottee seeking a patent in fee was, if presented and pressed in good faith, submitted to our Department for a report, and it was for the officers of the Department to inquire into the character and antecedents of the applicant and pass upon his fitness for emancipation. The Burke Law did away with this useless and wasteful circumlocution, and reached the same conclusion by authorizing the Secretary of the Interior to do himself what Congress would in any event have done on his recommendation.

As soon as the good results of this saving of time and labor came to be appreciated by the lawmakers, they began to apply the same principle to other exigencies. During the summer of 1906, while on my annual round of the reservations, I discovered two distressing cases. One was that of a young man, bedridden and given up by the physicians, his body literally covered with sores, and nearly every penny spent which could have been drawn on for supplying him with ordinary comforts. Yet lying idle, because he was physically unable to work it himself or hunt up a satisfactory tenant, was his allotment of good agricultural land, situated where it would be worth easily between two and three thousand dollars. He could not sell it because it was covered by the Government trust, and it was growing up to brush and cockle-burrs. Further west I met a penniless Indian, his body decrepit and his mental faculties impaired by old age, with no kith or kin to care for him, yet disqualified by some technicality of law for admission to the neighboring public alms-

house. He, too, was a landed proprietor with his hands tied.

On my return to Washington I set the machinery in motion at once for the relief of the young invalid, procuring an interpretation of the Burke Law which would recognize him as competent because his mind was clear and active although his bodily condition precluded all possibility of self-support. His land was freed promptly and he was assisted to sell it for a price which would at least serve to smooth his path to the grave. The old man's case, however, could not be brought within reach of any then existing law, and as Congress would not meet again till December there was no way even of getting special legislation in his behalf. As soon as the session convened I used his plight as a typical illustration of a need still unfulfilled; Chairmen Clapp and Sherman, of the two Committees on Indian Affairs, responded at once; and in a few weeks we had a section written into the statutes permitting the sale of the whole or a part of any non-competent Indian's allotment on terms and under regulations prescribed by the Secretary of the Interior, and authorizing the use of the proceeds for the benefit of the allottee under the supervision of the Commissioner of Indian Affairs.

If white men of fair business education are so often caught napping when the tax-gatherer comes around, it is scarcely wonderful that here and there an Indian, though he may be generally capable of looking out for himself, makes a like slip. The attention of the Indian Office having been drawn to a few cases where allottees

who had received their patents in fee, but were still holding fast to their land, had had their farms advertised for sale for unpaid taxes, it procured the passage of a law authorizing the Commissioner to draw if necessary upon any tribal trust fund in which an Indian taxpayer was interested, pay his taxes for him and charge the amount so expended against his distributive share of the fund.

Other important legislation in the same line, but designed to simplify processes for the relief of troublesome situations in regard to Indian moneys, will be described in their proper place. All these were long forward strides for Congress to take in the face of the clamor so rife during the last few years about the dangerous encroachments of the executive upon the legislative powers defined by the Constitution; and they have made the era memorable as a period of real advance toward the solution of the Indian problem.

CHAPTER V

DISPOSING OF THE SURPLUS

Who Owns the Reservations—Popular Misapprehensions Corrected—The Lone Wolf Decision—Indian Distaste for Allotment—Offering the Tribal Remnant for Sale—The Government as a Wholesale Purchaser—Price Contrasts Which Mean Nothing—The Existing Practice—Sugar Beet and Horse Farm Projects—Rapid Opening of Reservations—Objections to this Policy Considered.

ALTHOUGH, for the purposes of this outline sketch of the system of individualizing Indian landholdings, I have confined my comments pretty closely to the general allotment law, as a matter of fact the larger number of allotments are made under special laws, and for two reasons. The first is that the ~~general allotment act~~ prescribes an inelastic scale of areas which may or may not suit the particular conditions surrounding any given tribe. Adults, for example, may take their choice between eighty acres of agricultural land and one hundred and sixty acres of grazing land. In any of the northern Atlantic States or the Middle West, such an acreage for the head of a non-Indian family would be deemed a very good farm, and if supplemented by an equal tract owned by his wife and smaller tracts owned by his three or four minor children, would be liable to reach proportions too large for him to handle.

But in the West it is different. Anywhere in the arid country a thousand acres of agricultural land would be worse than valueless if its owner were required to till it without water, whereas with irrigation there are parts where five acres are an abundance. In a region with a large rainfall and a strong grass soil, an average of five, six or seven acres to each head of cattle will suffice for the raiser of live-stock, whereas on the northern Montana ranges the herdsmen commonly estimate their needs at thirty acres to the head. I may add in passing that for years I have striven to procure a general law vesting in the President a broad discretion to allot to any Indian on any reservation not less than five or more than forty acres of irrigable land, or more than six hundred and forty acres of grazing land. Such a provision would relieve Congress of a vast burden of work on local cases, and enable the Commissioner of Indian Affairs to provide every Indian, within a very few years, with the farm which the Government has decided he must have for his own.

The second limitation on the general law which renders special legislation so often necessary, is the impracticability of turning over wholly to an executive officer the authority to sell the surplus tribal lands wherever and whenever he chooses, at such prices and under such conditions as he deems best. It is true that a special act for opening a reservation almost always provides that the Secretary of the Interior may make rules and regulations for the sale of the unallotted remnant of land; but Congress keeps its own hand,

very properly, on the lever, even though it may entrust the steering-wheel to another for the time being.

Until 1903 the prevalent assumption among our people at large was the same as among the Indians themselves, that the reservations belonged absolutely to the tribes which inhabited them in pursuance of so-called "treaties" or by authority of Presidential proclamations. Although not a few of the treaties contained figurative language designed to convey to the tribes concerned the idea of perpetuity of physical possession, every allotment law, and every moral argument made in behalf of allotment as a remedy for some of the more crying evils of the reservation system, plainly recognized that system as but a passing phase of the history of Indian development, and to such extent discredited the notion of a permanent tribal title. It has often been said to me by ultra-conservative old Indians that if they had ever conceived of the changes in store for their people as the result of accepting reservations, they would have died fighting the Government rather than submit to being placed there.

It is declarations like this which form the basis of much of what we hear and read about the deceptions practised on the Indians by the Government. I have had a part in the negotiation of one Indian treaty and in the interpretation and explanation of several others, and I am confident that most of the sins of the Government in this respect went to no greater depth than its omission to volunteer to the Indians suggestions which it would never have thought of volunteering in a similar transaction with people of any

other race, of some of the less obvious consequences which might flow from the business then in hand; that the rest of the trouble has resulted from the limited range of the Indian's mind, due equally to his inherited peculiarities and his narrow environment but rarely appreciated by the members of treaty-making commissions; and that what has been so sweepingly denounced as a Century of Dishonor might better be described, as far as the Government's operations are concerned, as an era of mutual misunderstandings.

Every treaty had to be ratified by an act of Congress before it became of force, and again and again the lawmaking body took what looked to the general public like unwarrantable liberties with vital provisions which had received the approval of the Indians. A notable instance in point occurred in 1901, in an act ratifying an agreement with the Kiowa, Comanche and Apache tribes who occupied a large reservation in Oklahoma. To the ratification was attached an item providing for the allotment of lands in severalty to the members of the occupant tribes, and the opening of the unallotted surplus of the reservation to public sale and settlement. Some of the features of this legislation differed so radically from the terms of the original agreement with the Indians that the Indian Rights Association resolved to make a test case of the question of the authority of Congress in the premises. It brought suit, therefore, in the name of Lone Wolf, a prominent Kiowa, to enjoin the Secretary of the Interior from carrying the law into execution. The case finally reached the Supreme

Court of the United States, which not only affirmed the right of Congress to do what it had done, but laid down the general principle that the fee in Indian reservations is vested in the Government; that the Indians have nothing more than a right of occupancy; and that the power of Congress to work its will with such reservations is practically limited only by its own sense of justice in dealing with a weaker and dependent people.

This broad pronouncement carried dismay to the hearts of many excellent persons whose benevolent interest in the Indians had led them to share the Indian view of unqualified ownership, and who could hardly reconcile themselves to the discovery that their long-cherished notion was a delusion. But to one who had been studying the subject in a quite unemotional way it brought no great surprise. Nay, it furnished a key to a problem which had given most of us anxious thought; for it had been intolerable to believe that the highest legislative body in this republic would go on, year after year, cutting out essential features of agreements with the Indians entered into with the utmost solemnity of form, substituting therefor provisions never contemplated by the immediate parties to these instruments, and forcing the unrecognizable resultant down the throats of the weaker party merely because the latter was too feeble to resent the affront. When the Supreme Court gave to the apparent aggressions of Congress the sanction of legal righteousness, it at any rate cleared the air and simplified the future duty of the friends of the Indians.

From the 5th of January, 1903, the date of the Lone Wolf decision, to the present day, no more agreements have been made or sought with the Indians preliminary to the opening of a reservation. But during my administration as Commissioner, when a bill looking to such an opening was introduced in Congress and submitted to our Department for comment, I always urged the insertion of a clause to provide for sending a Special Agent to the tribe concerned, to explain the situation; to interpret the pending bill so that the Indians could comprehend its purport; to assure them in my name that under the ruling of our "highest council of judges" it would be worse than useless for them to try to prevent the opening of their reservation if Congress had decided that it should be opened; and to ask them to discuss the matter soberly among themselves and send me word what they would like omitted from, or modified in, or added to the bill as it stood. The message was accompanied with a promise that I would carefully consider their requests, transmit to Congress those which seemed sensible and wise, and use my utmost influence to procure such changes in the measure before it became a law.

Once in a while this invitation drew forth a childish or inconsequent response; but as a rule the Special Agent would bring back a few very reasonable recommendations. The plan, which worked on the whole successfully, had a triple purpose: it did away absolutely with the complaint once so rife in the Indian country, that the Government was continually making laws in which the Indians were deeply concerned, with-

out letting them know anything about it till too late for the correction of palpable errors; it gave the Indians the opportunity of airing to their hearts' content sundry distorted ideas which they had perhaps long nursed in secret, and having their misapprehensions set right; and, finally, it gave the poor fellows, who were in a most trying stage of their passage from the old social order to the new, a chance to share in the discussion of their own affairs, and to learn something of the processes by which the Government transacts one branch of its business.

For a number of years after the allotment system had become well established, most of the Indians used to resist stubbornly the efforts of the Government to give them lands in severalty. They would run away when the Allotting Agent with his crew of assistants came into their neighborhood, and conceal themselves in the thicket, or ride back over the hills, leaving only a cloud of dust to mark their pathless course. If they had long enough warning of his coming, they would disappear in the night so that he would find nothing but an empty camp. The allotment statutes, however, had anticipated such a contingency by providing that, should any Indian refuse or neglect to make his own selection of land, it should be officially made for him after a specified interval of waiting. A patent was recognized by law, also, as having been issued to an allottee as soon as it was duly signed and recorded, no matter whether or not he accepted it. By the peculiar freemasonry which seems to permeate the Indian country, it presently came to be understood

among substantially all the tribes that mere obstinacy in such a matter produced no effect, and the resistance then shifted to the next step in the proceedings, the disposal of the surplus land.

At first the position commonly taken had been that made memorable by Lone Wolf's Kiowas: that the land belonged absolutely to the tribe, and that the Government had no right to do anything with it without the tribe's consent. After the Supreme Court had cut away that objection, the Indians began to invent plans for the disposal of their surplus, based on what they had heard of the action taken in other cases. Usually they had no conception of what constituted value in land, their own traditional use for it being confined to the pursuit of wild game; so precedent, or what in their ignorance they considered precedent, governed their judgment of what it ought to bring. If an especially fertile tract somewhere had sold for five dollars an acre, they would insist on receiving the same price for a barren and unpromising tract not worth fifty cents. If mining developments in one quarter had sent valuations soaring there, they would clamor for equally fictitious figures on a gravel bank. Often they were egged on by outsiders to make trouble. In one instance a group of white cattlemen who had been leasing grazing privileges from the Indians to their own great profit were chagrined at the prospect of the cutting up of their range into farms for settlers, and united in a publication that nothing but grass could possibly be raised in such a soil and climate. The extreme of absurdity into which their greed led them,

and which was reflected in the Indian councils held under their influence, may be judged by the fact that a few years later corn and cotton, wheat, fruits and vegetables of both Northern and Southern varieties were growing there side by side in the utmost abundance.

Sales of surplus reservation lands have to be conducted by various processes, according to the local conditions of supply and demand. In one part of the Southwest, where native American farmers from all sections were fairly falling over each other in their efforts to get land, I arranged a sale under sealed bids. This enabled all the eager multitude to compete on equal terms, and procured for the Indians the very highest price for every acre which any one was willing to pay. On the other hand, in a bleak part of the Northwest, where winter lasts between seven and eight months and summer droughts are not infrequent, and where as a consequence only certain exceptionally hardy crops can be raised, I was obliged, in order to attract buyers of a class who could and would face the conditions, to set a flat price on the land. But even in this instance I was able to bring in the element of competition to the extent that the circumstances would warrant any, by offering at one fixed price the first choice of farms for a given number of months; after that interval, another and somewhat lower fixed price was placed on the first choice of what remained; some months later the price for first choice of what was still left was lowered; and so on till all the land that any one was willing to buy was exhausted. This

was the business view of the way to handle the case, concurred in by the best expert advisers I could gather about me; yet an ineffectual attempt was made to defeat the plan, on the assumption that because the sealed bid system had worked well in one instance, it must always thereafter be applied to the sale of all surplus reservation lands, regardless of the period, the place, the market demand, or other non-sentimental considerations. I cite these typical illustrations merely to show how much of a basis in fact there often is for the criticism heaped upon public officers when they are doing the best they can to handle a difficult situation, where business judgment counts for everything.

In former times the Government made a practice of buying outright the surplus reservation lands, and taking its chances of selling them later at retail to settlers. The Indians naturally preferred this method, because the payment was then directly in sight and the sum payable was definitely known, so that the transaction involved no margin of uncertainties; for, strange as it may seem in view of the primitive man's innate love of games of chance, an Indian would rather take one dollar now on the table than wait till next week for five times the amount. But the Government went out of that sort of business toward the close of the last century, and for good. Congress was beginning to grow restless under the financial burden of the Indian problem; so a general declaration went forth that no more appropriations would be made for buying lands from Indians, but that thenceforward the Government would act merely as the medium between

seller and buyer. The change has been, in one way at least, distinctly advantageous to both Indians and Government; for in the old times the Government would pay perhaps one dollar and a quarter an acre for land which it would sell to settlers again at the same price, shouldering all the expenses of the sale, besides losing for some time the interest on its investment, while the Indians would get only about one-third as much as the upset price now placed upon some of their less desirable lands.

Here again it is proper to put in a parenthetic word of justice to the Government. Because in the old times it bought land at a very much lower price than similar land in the same neighborhoods brings now, there is no ground for an assumption of bad faith on its part. As long as the land remained in huge areas in possession of the Indians, it enjoyed no improvement. Cattle and ponies ran wild over the prairies where now stand flourishing towns and crop-covered farms. There was little or nothing to encourage transportation companies to enter such a country with their facilities for carrying its products to market; so forests were permitted to decay or burn, and water-powers were left idle which have since been put to profitable use. Naturally, lands in a region not only undeveloped, but incapable of development as long as it continued in possession of its then tenants, offered no attractions and were reckoned at no values worth mentioning. One dollar and a quarter, under such conditions, was as fair a price as four or five dollars became after part of the country roundabout had

acquired even a sparse population of thrifty white farmers. In estimating values on the frontier, the times and the environment are indispensable factors.

Whether the old process of direct purchase were followed, or the newer one under which the Government takes their land from the Indians and sells it for them to the settlers, a large sum of money has always been forthcoming, regarded as belonging to the Indians and to be disposed of in some way for their benefit.

It has always seemed to me a pity that, where a reservation has a soil and climate particularly adapted to some special industry at which the resident Indians could make a success, a part of the surplus land should not be reserved for their use in this way, and they encouraged to turn it to account as white people would in a similar situation. I tried to test this plan with the Crow reservation in Montana. All the conditions there, according to the best experts I could engage to go over the ground and report on it, are highly favorable to the culture of the sugar beet, and wherever Indians have been initiated into that industry as field hands they have made such a record that their employers have applied for more of them. It is a line of agriculture, too, which they enjoy, because a whole family—father, mother and children—can work at it side by side; hence the Indian laborers employed in the beet fields have always been contented and happy, and have returned year after year of their own accord if not prevented by some change of circumstances at home. I found private parties who were ready to put up the capital for a sugar-manufacturing plant accessible to

the reservation, and to furnish the white farmers necessary to oversee the plantation and direct the labor on it; but the project, though generally favored by those members of Congress who looked into it, was staved off by a small element who always oppose anything which looks like prolonging the hold of the Indians on their land. They carried the day as far as the Crow reservation was concerned; but I managed to switch my plan from there to the Fort Belknap reservation in the same State, where the Indians welcomed it gladly and were at last accounts making commendable headway on their own farms, instead of making yearly pilgrimages for long distances to work on the farms of white beet-growers.

As some of the opponents of the Crow project were hostile to the whole beet-sugar industry, and others disliked it because of its possible rivalry with interests of their constituents, I thought that they might be won over to my general aim by another plan which I brought forward a year or two later, for turning a large tract of surplus Crow land into a horse farm. Here again I had the best expert advice from practical stock-breeders as to the adaptability of the region, and the tribe is noted for its horsemanship. A strong inspiration came also from the War Department, whose progressive spirits have long maintained the desirableness of a remount station for the cavalry and artillery branches of their service, such as armies in other parts of the world possess. The plan, however, presented a few technical difficulties which, though by no means serious, furnished a pretext for procrastination; I

assume, therefore, that by this time it has died of the inanition so uniformly fatal to Indian enterprises which have not a big profit for some white man directly behind them.

With the allotment of their respective shares of the land in a reservation and the opening of the remnant to public sale and settlement, the Indians concerned are placed on the same footing as persons of other races within the jurisdiction of the United States, or started on the way to acquire civic equality by the automatic operation of law. Those who have taken out their patents in fee have become full citizens; the rest will attain full citizenship at the close of the twenty-five years' trust period, or sooner if they can convince the Secretary of the Interior of their competency. This will explain why the recent policy of the Department has been to open the reservations as rapidly as that could be done with proper protection to the interests of the Indians. In the judgment of a number of our white friends whose devotion to humane ends entitles their opinions to respectful consideration at least, the work of opening has been pushed too far and too fast; so, before leaving the general subject, it may be well to comment briefly on this complaint.

There is always something pathetic and appealing in the lament of an old Indian over the passage of the land of his ancestors into the hands of an alien people. But if we pause to analyze it in the colorless light of reason, what do we find? Except in the rare and scattered instances of tribes with a pastoral or agricultural bent, the only use the Indians of an earlier

generation had for land was as a breeding ground for the animals which they hunted for a livelihood. All primitive peoples are, from our economic point of view, grossly wasteful of their natural resources. As nomads they require a vast field to roam over; and where they have reached the stage of stationary habitations and crude tillage of the soil, they still cover a great deal more space, with poorer visible results, than a like community of civilized people. Were the increase of population in the world at large to come suddenly to a stand-still, it might be practicable to leave the primitive races undisturbed, to work out their own destiny in their own way; but as the civilized element of mankind is growing and spreading faster than the uncivilized, such a suggestion would have to be dismissed as futile unless some yet unconceived means were devised for taking care of the civilized overflow. Hence the most we can ask of the advanced race is to deal justly with the backward races, and give always a fair equivalent for the land it invades.

This, I believe, the Government of the United States has uniformly striven to do, in spite of the cupidity of many of its citizens individually. Had our country, when the whites first came here, been peopled with a race of like intelligence, resourcefulness and initiative with ours, and lacking only our physical means, American history would have been written in a very different strain. As fast as the newcomers in the East had crowded the prior tenants westward, the latter would have tackled the changed conditions with fresh energy and courage, and wrested a good living out of

them by hook or by crook. But the Indian is dazed and bewildered by difficulties which only fire the spirit of the white man. To-day, therefore, we find him no longer lord of a proud domain, but a petty landholder; subject to laws not only not of his own making, but utterly incomprehensible to him because founded on principles which his mind cannot grasp; and, in spite of all his ignorance and childishness, expected to hold his own in a region where, with its demand for irrigation, and drainage, and skilful rotation of crops, agriculture has become for the white man almost an exact science!

And yet, how could he have been helped to better things? Had he and his fellows been kept herded on reservations, with a wall raised constructively around them which they must not cross to go out and which no whites except the sworn servants of the Government might cross to come in, would he have been any more fit to carry on his struggle with the world fifty years hence than now? No sane man who has studied the Indians and conditions in the Indian country at close range, and from both the Government's and the citizen's points of view, would venture an affirmative answer. In short, the situation we are obliged to reckon with is not what ought to be or what might have been but what is. And in discussing the question whether the rapid opening of the reservations is on the whole the wisest course, we do well to ask ourselves, What is the alternative? Shall we pass this abnormality, this maze of incongruities which we call the Indian problem, on to our posterity as our fathers passed it on to us? Shall

we blink the fact that we know our own motives to be honest and just, but that we cannot forecast the influences which will sway those who come after us? Are we willing to take perilous chances on the advent of a day when another class of men may be in the places of power, who, wearying of a long-borne national encumbrance, will with one sweep hurl the Indian and his separate interests into the abyss?

Is it not better that we lay hold now of the means which are nearest our hands, save all we can for the Indian and nail it fast, while the times are still favorable for such an undertaking?

CHAPTER VI

THE INDIAN SERVICE

A Huge Human Machine and Its Personnel—Order of Rank and Authority—Indian Agents and Superintendents—What Political Patronage Brings in its Train—Story of the Seven Green Strings—Duties of an Agent—Army Officers in Charge of Agencies—The Board of Indian Commissioners—Public Employment for Indians—Life at a Frontier Post—Separation from the Service.

THE human machinery employed by our Government in working out the Indian problem is known as the Indian Service. Its personnel consists of between five and six thousand souls. At its head stands the Commissioner of Indian Affairs, who is responsible directly to the Secretary of the Interior. Next to him, and taking his place in his absence from the post of duty, stands the Assistant Commissioner. Their headquarters are in Washington. Both are appointed by the President, to serve not for any fixed term but at his pleasure, by and with the advice and consent of the Senate.

In their Washington office they have under them a force of nearly two hundred employees, subject to the supervision of a Chief Clerk. The rest of the Service is grouped under the general designation, the Field. The functionary who is charged with the immediate

oversight of the Indian in his own home, and who represents there the authority which emanates from the Office of Indian Affairs, is the Agent or Superintendent. In the original scheme of things the Agent was appointed by the President, with confirmation by the Senate. By degrees, however, as the Government school system in the reservations expanded, and as it became increasingly difficult to induce Indians to send their children to the schools unless the heads of those institutions were clothed with powers which the parents could appreciate, the law was amended so as to permit the Commissioner of Indian Affairs to "devolve the duties of any Indian agency or part thereof upon the Superintendent of the Indian school located at such agency or part thereof." At first every attempt to take advantage of this provision met with strong opposition from Senators and Representatives who had been in the habit of recommending constituents for appointment as Agents, and who were loath to relinquish such a pretty bit of patronage. But their alarm was in a measure appeased by the promulgation of a civil service rule under which, although school superintendencies were among the competitive classified positions, an Agent whom the Commissioner could certify to possess the necessary qualifications might be appointed a Superintendent without going through the usual ordeal of examination for admission to the classified service.

This simplified matters a good deal; for in the ordinary course of things an Agent thus transferred to the Superintendents' list could not last forever, and

on his death or resignation his place would be filled by some one who had entered the Government employ by the merit system route. My immediate predecessor, Commissioner Jones, turned a large number of Agents into Superintendents, and during my administration I gradually disposed of the rest. The popular presumption as to the respective fidelity of political and non-political appointees was well reflected in the readiness of the indemnity companies to charge the latter about forty per cent. less than the former for their official bonds. It is but just to say that although a great improvement has been effected by these changes, in the direction of unifying the Service and of associating the schools in the minds of the Indians more closely with the exercise of the broad authority of the Government among them, not all the Agents were so bad as one might imagine from reading the wholesale denunciations heaped upon their class. Those who were faithful to their trust used sometimes to be very sensitive to such attacks. One of the most efficient told me that when he first received his commission he felt vastly important, and took great pride in handing his card, with his title printed on it, to any fellow traveller with whom he scraped acquaintance on a railway train; but after he learned from the public prints what wicked men all Indian Agents were, he used to evade questions from strangers as to his occupation, and conceal his Government transportation vouchers as he might have concealed a ticket-of-leave.

The old method of appointment was, like all patronage methods, open to gross abuses. No President

had so wide an acquaintance throughout the country that he could make his choice of Agents directly, so he was compelled to depend on local advice. This naturally came from the Senators of the State in which an agency was situated, who in their turn had to call upon some of their friends at home, almost always their political managers. Thus the responsibility for an appointee's character and capacity, which ought to have been concentrated somewhere, was so subdivided and scattered that it could not be definitely fixed on any one person.

The vicious results of the practice, unfortunately, did not stop with the appointment itself. In such a lottery the Government might draw a prize or it might draw a blank, as chance favored. An Agent might not be bad but simply negative, which of course meant that there would be no progress on his reservation as long as he stayed there. Or one might be selected merely because he happened to be a popular favorite at home and temporarily out of employment, but afterward become thoroughly interested in his work and accomplish something with it. The man whose case presented the greatest difficulties was he who stood high in his own community because he had never been adequately tested, yet, after being firmly seated in his public position, gave way under the first strain put upon his character; for then the trouble was to get him out. All the pressure his Senatorial patron could bring to bear would be exerted for his protection as a wronged man. At first, probably, the Senator would be really unconvinced that so good a man had gone astray; later a false pride would impel him to keep on standing

back of his client through thick and thin; and all the while his neighbors and friends at home would be urging upon him every sort of social and political consideration calculated to force him into at least a show of fighting. In the cases which fell to my lot to handle, I rarely wasted time in analyzing a patron's motives, but confined my attention to the obvious facts. And that reminds me of a story.

A certain Agent came into the Service with an unusual number and variety of testimonials to his excellence as a man and a citizen. He was well educated, a member of the vestry in his home church, and the head of an interesting family. One day the Commissioner received from some "underground" source a copy of a letter which had come to the Agent's desk during his absence on an official trip. It was from the contractor who supplied the agency with flour, and ran substantially as follows:

DEAR SIR:

I have shipped to you to-day 40,000 pounds of flour, as per recent order, which ought to reach destination on the railroad in about ten days. In selecting samples for submission to the Inspector, I should esteem it a favor if you would take them from seven sacks which you will find tied with green string.

By registered mail I am sending you a box of fine Havana cigars, which, as they are of a brand I particularly like, I hope you will enjoy smoking.

With kind regard, I am, etc.

The Commissioner lost no time in putting a watch upon the Agent's operations in selecting his samples

for the Inspector, and simultaneously sent a private representative to the spot to seize all the papers in the agency office so as to prevent the destruction or mutilation of any. The move was entirely successful. The seven sacks indicated were the only ones disturbed; the green strings were quietly picked up where the Agent dropped them, and marked as exhibits with the attestation of two witnesses; and the Agent's response to the contractor's letter, which was among the papers seized, was something like this:

DEAR SIR:

On my return from a short business trip, I find on my table your favor of the 9th, which arrived during my absence, or would have been acknowledged sooner. I have noted its contents and shall govern myself accordingly.

The registered package arrived by due course of mail, and your thoughtfulness is highly appreciated.

Truly yours, etc.

It is hardly necessary to add that when the Agent was confronted with the documents in the case he realized that he was caught, identified his own handwriting, and made no attempt to escape responsibility. But the ink was not dry on the papers with which he was to be dropped from the Service, before his Senatorial patron stalked into the Indian Office. Was it possible, the great man demanded, that so excellent a public servant was to be thrown out on mere circumstantial evidence? The Commissioner produced the written confession of the excellent public servant,

but it did not mollify the Senator's indignation. There must be some mistake, he argued, for it was inconceivable that a man of the high standing of this Agent could have been willing to sell himself and hazard his whole future for a paltry box of cigars. The Commissioner answered that he, too, thought it very strange that any intelligent person should do so foolish a thing, though of course nobody knew what the box might have contained besides cigars. But, putting aside that question, he added, it was quite impossible to overlook such an incident and let the whole Service understand that they could with impunity accept instructions from contractors as to the inspection of purchased goods.

The Senator refused to see anything so serious in the matter, and continued to declaim about injustice. His protest was treated with the politeness to which the dignity of his office might be assumed to entitle it, and further action was suspended at his request till he could write to his protégé and receive an answer. Then the Agent's children fell so ill that their physician forbade their travelling through the wintry weather; and thus by one device and another, founded now on courtesy and now on humanity, the fatal day was staved off for several weeks. When the Commissioner refused to entertain any more appeals for postponement, the Senator was still clinging to his first position.

"Very well," said the Commissioner, "let us now get this business down into black and white. Write me a letter stating in full your reasons for standing by your friend and condemning my course. I pledge myself

to go over it carefully, and with as little prejudice as possible; and if I am convinced that I am wrong I will say so unhesitatingly and drop the matter forthwith."

The Senator wrote the letter. The Commissioner was as good as his word, and gave two days to pondering its sophistries. Then he announced his intention of going ahead with his original programme. News of his decision no sooner reached the Capitol than the Senator hurried down with a fresh protest.

"It is too late," answered the Commissioner. "But this I am willing to do: I will put the man out to-day; to-morrow you may offer in the Senate a resolution of inquiry as to my reasons; and when the resolution comes over here I will simply publish the documents of record, winding up with your letter in palliation of the Agent's misdemeanor. That will put our controversy squarely before Congress and the country, and we can let them judge who has the right of it."

The challenge was not accepted. The Agent went out. But the whole incident furnished so admirable an illustration of the workings of the patronage system that its details have remained fresh in my memory through an interval of several years.

Still, not all Agents must be judged by this one. If the majority, indeed, had not been of a mind and character high enough to warrant our astonishment that men of such calibre can be hired for the modest pay attaching to their office, the Service would not have been able to go on with its work for a good while past; for agency duties are, from at least one point of view,

much more difficult now than in the old times. For example, the legal questions growing out of the new status of such a multitude of the Indians are greater in number and more complicated in nature. As I once described the life of an Agent, in a report of an investigation I had been conducting on a South-western reservation, he had "sat in a swivel chair, for four consecutive years, practically every day from eight in the morning till five in the evening, hearing complaints, issuing orders, writing letters, opening bids, signing leases, supervising accounts, drawing checks, settling domestic disputes, exercising the functions of a guardian for orphan children, unravelling the intricacies of heirship in families where nobody knows certainly his blood relationship to anybody else, adjusting debts and credits between individual Indians, preparing cases for the prosecution of dram-sellers or the ejection of intruders, and devising forms for legal instruments which will save some remnant for the Indian after the white man gets through stripping him. In all these four years he has had less than twenty days' vacation. His immediate recreations have been an occasional visit to an outlying pay-station; an appearance in court as witness against some one who is trying to rob the poor people in his care; or a personal inspection of an Indian's property at a distance, when a white contractor or a railroad company wants to make a doubtful use of it." If I were to attempt an enumeration of the duties of a latter-day Superintendent, I should have to deduct a few items from the foregoing list, and add a few by way of recognizing changed con-

ditions; but in the main the description as it stands will suffice for the activities of a class.

Often in former years an officer of the regular army would be detailed by the President to take charge of a reservation as Acting Agent. He was not required to give bond like a civilian Agent or Superintendent, his commission being accepted by the Government as its insurance against his misconduct; neither did he receive the Agent's salary. As a relief from a certain class of political Agents who used to be the curse of the Service, a military officer was a godsend; but his best influence upon the Indians themselves was found among tribes still in a very backward state. There his independence, his promptness to shoulder responsibility, his exercise of arbitrary power in any emergency which called for such a demonstration, made a strong impression on the wayward spirits whose only conception of authority was the ability to strike effectively and without delay, and to compel good order by force when admonition had ceased to avail; but after any body of Indians had developed beyond this point, their subjection to military rule was usually a mistake, in view of the necessity of inducting them soon into a civil or non-military status. For the strictness of discipline which was part of the officer's training made his civilian successor's practices seem lax and indifferent by comparison; while his habitual pity for the hungry was liable to extend to deserving and undeserving alike, and thus distort the Indians' premises of judgment on the eve of the crucial change of condition which awaited them. There were, of course, notable

instances of officers who appreciated the importance of a golden mean; but these were philosophers along with their other accomplishments, and had made a study of the subtle springs of human action as a basis for their treatment of any eccentricities of conduct on the part of the Indians in their charge.

Under the Agent or Superintendent we find a group of assistants, usually led by a financial clerk, who takes the helm when the head of the office is absent. Then come ordinary clerks, principals and teachers of schools, physicians, herdsmen, farmers, engineers, carpenters, cooks, matrons, seamstresses, laundresses, instructors in various special lines of industry, watchmen, interpreters, police, etc., their number depending on the area and population of the reservation. The work of these stationary employees is inspected from time to time by a corps of travelling field officers consisting of five Inspectors who report directly to the Secretary of the Interior and receive their orders from him, and a small group of Special Agents and Supervisors responsible to the Commissioner of Indian Affairs. An Irrigation Engineer and five Superintendents of Irrigation are charged, under the direction of a Chief Engineer, with the work of reclaiming arid lands; and between twenty and thirty Allotting Agents are engaged in parcelling out farms to individual Indians. The suppression of the liquor traffic in the Indian country is committed to a staff of Special Officers and Deputies with a widely ramified secret service, under the orders of a Chief Special Officer. Purchases of supplies for the schools and the Service generally are made through

warehouses situated in New York City, Chicago, St. Louis, Omaha and San Francisco, each of which is in care of a Superintendent of Warehouse, aided by a number of clerks and porters and experts in the several classes of merchandise which pass through his building.

Besides all these there are a handful of field agents with particular duties or exclusive jurisdiction who do not call for enumeration here; and in a place apart from the Indian Service proper, though in constant touch with it, stands the Board of Indian Commissioners, an honorary body required by law to be composed of not more than ten "men eminent for intelligence and philanthropy."

This Board was created during President Grant's term, after the discovery of gross frauds in handling Indian supplies, its original purpose being to assist the Commissioner of Indian Affairs in correcting such abuses and to serve as a sort of protective medium between the Indian Office and outside criticism. To this end it was accustomed to send a committee to each warehouse at the season of contract letting, who would examine the samples offered, pass judgment on the prices bid, and help the Commissioner to reach satisfactory decisions in cases where he felt any uncertainty. From time to time a member of the Board would go into the Indian field, inspect certain reservations and schools and report on conditions there.

As the contract supply system gradually worked out of its vicious rut and was put upon a sound footing with proper safeguards, the Board of Indian Commissioners devoted more of its attention to educational

matters, and its personnel came to be composed in less measure of business men and to include a larger percentage of clergymen and scholars. Its members are appointed by the President without reference to the Senate; they receive no compensation, but have their travelling expenses paid when actually engaged in the performance of their duties. They elect a salaried secretary, who acts as their disbursing officer, employs a clerk, and keeps an office open for their head-quarters in Washington, from which he conducts their correspondence. The title of the Board was always unfortunate, as it ought to have been more distinctive. As it is, we find in the popular mind a constant confusion of the Commissioner of Indian Affairs with the Chairman of the Board of Indian Commissioners and the other Commissioners or members of commissions designated by Congress to do some single piece of work, like negotiating an agreement or settling a particular class of claims.

Substantially all the officers and employees of the Indian Service except those appointed by the President are in the classified civil service, and as a consequence are not permitted to take any active part in politics. Indeed, few of them even enjoy the privilege of voting; for those in the Indian Office in Washington cannot vote except by going back to the State from which they were appointed, while only a few of those in the field are attending to their official business in the States of which they are citizens. This does not mean that the patronage idea is wholly rooted out of the Service, for it has the persistency of other noxious

growths; and in spite of the fact that employees who have come in through a supposed merit test are not technically beholden as vassals to a lord, it is a common thing for very ambitious ones to drum up their "influence" whenever they see a chance to advance their interests by promotion or otherwise. The Commissioner may resist successfully the deluge of importunities from political managers and eminent statesmen if a \$400 cook discovers an opening at \$450 which she would like, but he has to waste on such trifles a good deal of time which might be put to better use. The public men who descend upon him despise their errand as much as he does, but it is a part of what they are expected to do under the rules of the political game, and they do it as cheerfully as they can. If he is wise, he keeps a sort of waiting list of subordinates who are deserving of promotion, and, as soon as he gets wind of a vacancy, selects an employee in a position further down the scale to fill it. Then, when the political patron of some other employee calls to press his client's claims, it is too late, and visitor and host can divert their conversation to a more edifying topic.

It is a pretty safe presumption that the functionary, important or petty, who beats the bushes for outside influence, is conscious of his lack of sufficient unassisted deserts. Looking up the statistics once, I found that of all the promotions I had made personally, more than eighty-five per cent. were of men and women whose efficiency had made them known to me, though they not only had not applied for an advance, but were not even aware that they had been under con-

sideration; whereas, of the two men who had pulled wires most persistently and brought to their aid the biggest figures in Washington life, but failed to get what they wanted, one is at the present writing a fugitive from justice in parts unknown, and the other is awaiting trial on a criminal indictment of many counts.

The question is often asked, why more Indians are not employed in the Indian Service, which at a first glance seems as if it were the place above all others adapted to them. The answer is that a great many are so employed, and that the policy of all the administrations since Commissioner Morgan took office has been to give educated Indians every practicable chance to serve their people; but that the experiment of putting them into the places of highest responsibility has, except in rare instances, not worked so successfully as had been hoped. Their ideas of discipline, as applied either to themselves or to others under them, are not ours. It must be borne in mind that the Indian is passing through a critical era in his evolution. Lifted suddenly out of the darkness of barbarism into the light of our civilization, it is not wonderful that he is somewhat bewildered by the change, and has more or less trouble in adjusting his mental vision to it. If a young tribesman is called upon as a cashier to handle large sums of money, or as a clerk to take care of a storehouse full of property, with only such theoretical training as he has acquired from the study of school text-books, can we blame him if his accounts become badly confused at the start? Or is it to stand against an Indian

girl that, reared in the lax life of the camps and learning only as an alien our code of social proprieties, she makes an occasional misstep before she fairly gets her new bearings?

Again, the traditional freedom of the Indians from those forms of artificial obligation which are second nature to people of our Caucasian heritage, makes them impatient of the restraints of office when continued for any great length of time. They get tired, and are liable for no other cause to throw up their positions and go home for an interval of leisure. It is, in fact, the only serious objection a private employer has ever raised against Indian help, that they cannot be depended on to stick to one job for a long term, as white persons will. If such whimsical changefulness is inconvenient in private business, it may be positively ruinous in public employ in the Indian West, where the Government stations are far apart, and usually so remote from centres of population that other help is not to be had without great delays, yet where certain kinds of work are absolutely vital to the maintenance of a school or agency plant. These conditions will account for the fact that, though a few Indians here and there have risen to places of prominence in the Indian Service, for the most part they are still acting as assistants to white employees.

Life in the Indian field is not a career of unmixed enjoyment. The isolation of the posts makes the cost of living high as compared with neighborhoods where not everything has to be brought in by thirty, fifty or one hundred miles of teaming from the railroad.

Cooks who can prepare a digestible meal command so much better wages in the towns that they are seldom willing to live far from civilization for long at a time. The quarters furnished by the Government may or may not be comfortable; at one point there may be no vacant place for a man with a family of four or five except a couple of rather cheerless rooms, whereas at another there may be no children and every married couple can have a pleasant cottage to itself. Of society as a rule there is none outside of the little group of employees, who may prove agreeable, disagreeable or indifferent, according as accident has thrown the right or the wrong persons together. In most respects an Indian post resembles a frontier fort of the old times, save that the army officers and their families had commonly enjoyed similar antecedents, whereas the Indian Service employees are drawn at random from every quarter of the country and from all social strata.

These facts will account for the frequency with which the Commissioner is besieged by his field subordinates for transfers. An employee finds his present situation wearing on his nerves, perhaps because of his physical surroundings, perhaps because of friction with his companions, perhaps because he has "gone stale" through the endless monotony of his work; and though he has little idea what kind of a place he may be sent to next, he is full of faith that any change will prove a relief. Those persons who have seen the Indian establishment only from the outside criticise the transfer practice most severely, and more than one Commissioner has entered upon his duties with a firm resolve

that he will break it up. Closer acquaintance with the subject tends to a more charitable judgment. It is well to consider each application as an individual proposition, and to scrutinize it carefully in the interests of both Service and servant; for cast-iron general rules are out of the question unless we would wring all the human quality out of the business and reduce it to the dead level of a machine.

Separation from the Service may occur by any of five processes: limitation of law, if the person concerned has been appointed to a position or assigned to duties for which the appropriation expires on a fixed date; resignation; death; honorable discharge for mental disability, or dismissal for cause. Resignation leaves the retiring civil servant eligible for reappointment, in the discretion of his superiors, at any time within a period prescribed by the Civil Service Commission; the same is true of his mental disability if it be satisfactorily relieved; dismissal for cause, however, debars him not only from reinstatement in the Indian Service, but from appointment to any other position in the civil service unless the officer who removed him is willing to certify that the evidence on which such action was taken has been discovered to be false and misleading, and the dismissal therefore undeserved.

As to the publicity attending dismissals, forced resignations or refusals to reappoint, every Commissioner has his own methods. During an administration of four years and six months, I had occasion to get rid of nearly forty persons holding positions of responsibility under me; but in only five or six instances did I feel

that any good end was to be gained by publishing the details. A man dropped out of sight, and the people who had been doing business with him knew it; prospective employers who might write to the Indian Office for an explanation of his retirement were welcome to it; and the demands of justice had been satisfied by putting him where he could do no further mischief and neglect no more public duties; what, then, was the use of carrying the matter further? It would add nothing to the good repute of the Service; and in view of the uncertainties of evidence and the fallibility of human judgment, there usually remained at least a remote possibility that a wrong had been done, which it would be easier to repair later if no unnecessary noise were made over the event. The few exceptions to this rule were in the cases of officers who had robbed the Indians or the Government, got their bondsmen into trouble and rendered themselves liable to prosecution, or whose offences in other lines had become subjects of public scandal.

CHAPTER VII

THEORY AND FACT IN EDUCATION

Young Indians in the Learned Professions—How Experience Modifies Expectation—Practical Needs Too Commonly Overlooked—Importance of Individualizing and Specializing—The World as a Human Mould—Value of the Outing System—What Ten Years of Real Life Did for One Indian Boy—Different Types of Government Schools—Open-Air Teaching—Paternalism Run into an Abuse.

I HAVE never made any secret of my somewhat radical views as to the general limitations which it was advisable to set upon the education of young Indians by the Government; and wherever they have been published they seemed to strike a responsive chord among readers who really knew the red race and had no private interests to serve. But a few well-meaning friends who have not had an opportunity to study the field at close range, and have let theory usurp the place of practical acquaintance, are still full of faith in the "higher education" as a panacea for most of the ills of a backward people. If it is so desirable a thing for white youth, they ask in all sincerity, why not for the Indian?

The analogy fails at a good many points. The Indian boy, brought from the camp in early childhood, and passed from one institution to another till he re-

ceives his final diploma as a graduate in theology, or a bachelor of arts, or a doctor of medicine, goes to begin his life work—where? To New York, or Boston, or Philadelphia, where philanthropy flourishes? If so, the chances are that he will die of homesickness, or starve. As a speaker at church or society meetings, for a while he may prove an attraction for persons to whom an educated Indian is a novelty, but such occasional appearances do not constitute a livelihood; even the white altruists will go on employing white lawyers and white physicians, and will probably prefer the religious ministrations of a white clergyman. Moreover, in an Eastern city the Indian is at the same disadvantage socially as professionally: though no racial antagonism raises a barrier against him, neither does any natural bond attach him sympathetically to his environment. I am speaking now not as a theorist, but from personal observation of a number of cases.

Possibly, then, he had better settle in Chicago or St. Louis, Minneapolis or Omaha—cities so recently in the frontier zone that they still retain some of its more liberal atmosphere. I have seen it tried. One experimenter is to-day subsisting by his wits, borrowing from every chance acquaintance upon whose kindness he can impose, and never paying; another is pretending to practise his profession in an obscure way, but actually living on philanthropic subsidies; a third, who has attempted a series of other callings since failing at the one for which he was especially educated, ran up a debt of \$400 with a trustful landlady, and took some three years to pay an instalment of \$100 on it, though

spurred by persistent appeals and threatened with legal proceedings. These illustrations are typical. I can at this moment think of only four successes, each outweighed by a score of conspicuous failures.

Is there nothing left for the Indian professional man to do? He can go back to his own country. What awaits him if he does? A little better welcome, perhaps, than he found in the East, but not enough to satisfy his aspirations for leadership. If he is a physician, he has to meet deadly competition with white physicians in any white community, while among his own people the old medicine men fight him with a venom they hardly dare display toward a Caucasian, for they can hold him up to scorn as a renegade. If he is a lawyer he stands a larger chance, but the persons who bring him cases usually do so because they hope to use him as a lure for other Indians in some scheme they are working; and all his surroundings, including the local standards in professional ethics, combine to put his probity to a cruel test. As a minister he may find employment for his talents in missionary work, but in this field he labors, as a rule, under white superiors and subject to their discipline.

Even where he has made a failure, we ought not to blame the Indian. It is his unbalanced white friends who are accountable. He was in no position to get a perspective view of his own situation, and to discover that, however much good raw material there was in his race, the time was not yet ripe for its utilization in certain fields. The doctrinaires with whom he has been thrown have sounded in his ears "the benefits of an

education" till the phrase has taken on a wholly fictitious meaning in his mind. What is this "education," he asks himself, which white people crave so much because of the advantage it gives its possessor over his fellows? It must be something which, once acquired, will absolve him from further need of hard work, so that he has only to sit still and spread his lap and let fortune fill it with prizes.

Indeed, where his instruction is carried no further than the graduating course at a huge non-reservation school, the chances are that he has no real conception of its practical side till the truth is driven into him by the hard knocks of experience. I asked a group of Indian school graduates once, soon after their commencement exercises, what each expected to do on entering the outer world. Three-fourths of them, embracing both boys and girls, had no definite expectations or ambitions. A few thought they would like to be missionaries. A rather dull-appearing boy believed that "the Government ought to give him a job." Another lad had made up his mind to be a musician and play in a band. Only one in the entire class had decided to go back home at once, take off his coat and help his father cultivate their farm. Not one had perfected himself in any skilled trade. I venture a guess that if these young persons, instead of receiving a routine mental cramming with material foreign to their normal element, had been taught merely the essential rudiments of book-learning, but also how to do something with their hands well enough to earn a living with it, every one would have had a better

start in life. As it is, I doubt whether any except the farmer and the musician will ever amount to anything. One of the brighter members of the party, whom I have met since, has certainly not improved in the interval.

We hear a great deal about the way the "educated" Indian degenerates after he returns to his reservation. There are, unhappily, too many illustrations of this to justify denial or permit evasion. But what can you expect? Take a boy away from the free open-air life of an Indian camp, house him for years in a steam-heated boarding-school in a different climate, change all his habits as to food, clothing, occupation and rest, and you risk—what? Either undermining his physique so that he sickens at the school, or softening it so that when he returns to the rougher life he cannot keep up the pace. Morally, too, he has a hard struggle to sustain himself, for he has no social background at home against which to project his new acquirements. The old people laugh at his un-Indian ways; most of the young people, even those who have had some teaching near home, feel estranged from him; his diploma finds him nothing to do; and he despises the old life while in no condition to get away from it. Can a less happy fate be conceived than such suspension between heaven and earth? Is it wonderful if a lad not over-strong lets go his hold, and slips back to a last state which seems vastly worse than the first? With a girl, the chances of evil are yet greater, for reasons which must be obvious.

But there is another side to this picture, which saves the courage of those of us who are toiling at the Ind-

ian problem: the returned student never does, as a positive fact, fall back quite so far as the point where he began. His outward condition may be worse, but he has learned a lesson. He will start his children, if any come to him, on a much better plane than he started on; and he will try to see that they receive a training more practical than that which proved a broken staff in his own case. He realizes that if he had not been carried so far up, he would not have had so far to fall; that if he had devoted the energies of youth to learning how to shoe a horse, or build a house, or repair wagons, or manage a stable or a dairy, or something else which he could have continued to do after his return home, he might have remained of humbler mind, but he would have grown richer in character and in purse. He would have done more for his race, also; for every time we miseducate an Indian, and the poor fellow pays the penalty of our philanthropic blunder by going to pieces, a lot of shallow sophists shout: "What did we tell you? Anything done for an Indian is thrown away!" It is another shot for the adversary's locker.

How are the Indians to live, inquires some one, unless we educate them to compete with the whites? That is exactly what I wish to see done; but let us study fitness in all things. You would not think of teaching a young man to dye wool in order to prepare him for work in a cotton factory? You would not train a boy as a glass-blower and then put him into an iron-foundry to practise his trade? Yet what you are doing with the Indian every day is not less inconsequent. Now sup-

pose, instead of persisting in this folly, you inquire what there is for a young man to do after he has finished his schooling, and adapt your teaching to that? You may not make so brave a show in your paper statistics of the Indian's "educational progress," but you will make a big difference for the better with the Indian himself, and that is of more importance.

Individualize and specialize: there is your fundamental motto. If a boy is to be a farmer, train him in those things which are absolutely essential to the equipment of a farmer at the outset, and then put him at farming as a hired laborer. His work under such conditions will teach him what life really means, as well as how to reduce his theory to practice. If he is to be a mechanic, train his fingers at school, and then send him into an outside shop to get his bearings in his trade. What he needs is practical rather than showy instruction; for the gospel of Indian salvation, if I read it aright, puts industry at the top of the list of human virtues. Wherever we find the Indian idle, we find him a pauper and unruly; wherever we find him busy, we find him comfortable and docile. He is not slothful by nature; hence his adjustment to the changed order of things under our sway means simply a diversion of the old energy into new channels. And in this process environment plays a far larger part than lectures or recitations, the reading of printed pages or the memorizing of rules and precepts; for it is a shaping process, and the real world makes a better mould than any artificially organized institution.

When Captain Pratt started the Indian school at

Carlisle, Pa., he hit upon one idea which in my judgment will remain as the great monument of his life work when all the rest of the school's notable features have passed into oblivion: this is the "outing system," which consists of placing the boys and girls, for a part of each year, in white families where they can learn to work and earn money. I have had occasion to differ in opinion with him on so many points that it gives me all the more pleasure to add here my small tribute to his fame. His establishment of the outing system was an inspiration. It brought the young Indian into contact with the big white world outside of the walls of a seminary of learning. The boy who spent his summer in the hay-field, the girl who helped a good wife in the kitchen or the poultry-yard, got more that was of value from such little excursions into real life than if they had mastered the contents of the whole school library.

Keep always in mind the truth that whatever brings the Indian into closer touch with whites who are earning their living by hard work, is of prime importance as an educating influence. I am not blind to the fact that in rubbing up against his white neighbor the Indian is liable to acquire a few bad Caucasian traits along with the good ones. That is a rule of life generally where the weaker individual is thrown into contact with the stronger multitude. But how much better off is the unsophisticated boy for being shut up in a hot closet instead of being sent out to seek his fortune? As the remoter corners of the country fill up, the Indian will have to mix with the whites, whether for good or ill;

would he be any better fitted for this a hundred years hence than now, if we kept him socially isolated till then?

While on this phase of the subject I am reminded of the case of a young Sioux, one of the most interesting Indians I have ever met, who for some years spent his winters following the usual routine at a Government school, and his summers working on a white man's farm. This latter experience wore off much of his natural shyness, and taught him that there were some white people and white ways worth knowing—a fact which he had always heard denied on the reservation. When he finished his schooling he had a little money saved from his wages as a farm laborer, and he thought he would like to see what sort of a place New York was. A trip to the great city was no trifling venture for an Indian lad from the far West, but he made it. At one of the wharves he found an ocean ship just about to weigh anchor. Stepping aboard to look around, the fancy seized him to try his luck as a sailor before the mast. Though he had never seen even a catboat till he came east, and no larger body of water than a good-sized creek, he took kindly to his calling and continued to follow the sea for five years, visiting every quarter of the globe. His last voyage landed him at Manila, where he saw a regiment of United States troops recruiting, and decided to enlist. He remained a soldier for five years more, and was then sent back to the United States. There seemed only one place to go—to his reservation. Four days later he stood in the Agent's office, applying for something to do.

"I have nothing for you," said the Agent, "unless you are willing to take the place of a man who is just leaving my personal employ. He takes care of my horses and milks my cow, and I give him twenty dollars a month. If you think you can live on that, you may have the job."

A bargain was struck on the spot, and the young Indian went to work. He succeeded very well, and in course of time wooed and won a girl of his own race who had learned at school how to cook and wash and iron and take care of a home. His father-in-law, who was pretty well to do, gave the young couple a feast to celebrate their wedding. In the midst of it the clock struck five. That was the hour at which my young friend was accustomed to milk the Agent's cow. So away from the guests he slipped, drew on his overalls, and started for the barn as usual. He had milked the cow, and was carrying the pail into the house, when he met the Agent coming out.

"Why!" exclaimed the Agent in surprise. "I had just engaged another man to take your place for the afternoon. I had no idea of asking you to leave your wedding feast."

"It was milking time," answered the young man, simply, "so I came over. That is what you hired me for. I am going back after I put away the milk."

Any one who knows an Indian reservation will agree with me that this was an extraordinary incident—not because the Indian boys wantonly neglect their duty, but because very few have had the instinct of responsibility so cultivated in them that they would

think of a task in the presence of pleasure. Never in a hundred years would that young Sioux have learned to do such a thing if he had pursued the ordinary life of his people at home. Never would he have learned it from the admonitions of his teachers at school. It was his intimate mingling with the whites—falling into their ways on the farm, under the stern discipline of the ship, and in the military ranks—that had made a man of him, with a man's sense of obligation. Such instances could be multiplied; but I shall leave the reader to say what will happen in our educational work if we persist in trying to "educate" the Indian from above downward, instead of starting with him on the ground from which he must be raised.

And how has the Government begun? It has established three classes of schools: the day-schools, planted in the centres of Indian population, wherever the juvenile contingent in the neighboring families is large enough to assure an attendance of twenty or thirty pupils; the reservation boarding-schools, situated, as their title implies, within reservations, but furnishing their pupils with a home as well as instruction; and the non-reservation boarding-schools, placed in the heart of white civilization, and purposely so equipped and environed as to wean the pupils away from all associations of their former life among their own people.

For reasons plain to any one familiar with the disparity of local conditions, the Indian day-school in the most primitive part of the frontier differs widely from the white day-school anywhere; and, in spite of my

desire to assimilate the races as far as practicable in all their activities, I have tried to accentuate this contrast in one or two respects. To me the most pathetic sight in the world is a score of little red children of nature corralled in a close room, and required to recite lessons in concert and go through the conventional daily programme of one of our graded common schools. The white child, born into a home that has a permanent building for its axis, passing most of its time within four solid walls, and breathing from its cradle days the atmosphere of wholesale discipline, is in a way prepared for the confinement and the mechanical processes of our system of juvenile instruction. The little Indian, on the other hand, is descended from a long line of ancestors who have always lived in the open and have never done anything in mass routine; and what sort of antecedents are these to fit him for the bodily restraints and the cut-and-dried mental exercises of his period of pupilage? Our ways are hard enough for him when he is pretty well grown; but in his comparative babyhood—usually his condition when first captured for school purposes—I can conceive of nothing more trying.

My heart warmed toward an eminent educator who once told me that if he could have the training of our Indian children he would make his teachers spend the first two years lying on the ground in the midst of the little ones, and, making a play of study, convey to them from the natural objects right at hand certain fundamental principles of all knowledge. I dare say that this plan, just as stated, would be impracticable under

the auspices of a Government whose purse-strings are slow to respond to the pull of any innovation. But I should like to see the younger classes in all the schools hold their exercises in the open air whenever the weather permits. Indeed, during the last year of my administration I established a few experimental school-houses, in regions where the climate did not present too serious obstacles, which had no side-walls except fly-screen nailed to studding, with flaps to let down on the windward sides in stormy weather.

I do not mean that I regard the difference between in-door and out-door instruction as vital in the scheme of Indian schools; but this item serves as well as any other to exemplify the general principle that we shall succeed best by beginning the new life as nearly as possible where the old life left off. We should not make the separation any more violent than necessary; and it is pleasant to note that the more intelligent teachers in the Indian Service are ignoring books as far as they can in the earlier stages of their work. They are teaching elementary mathematics with feathers, or pebbles, or grains of corn; then the relations of numbers to certain symbols on the blackboard are made clear, and thus the pupils are led along almost unconsciously from point to point. Had a system like this been in vogue twenty years ago, an Indian who afterward became a bank teller would have been spared a confession he once made to me, that he had reached full man's estate before he understood why he multiplied four by five in order to find out how much four pounds of sugar would cost at five cents a pound!

Throughout his school life he had been an expert mathematician, yet figures meant nothing to him but so many pure abstractions which could be put through sundry operations mechanically; they bore no relation in his mind to any concrete object in nature.

An Indian day-school plant consists ordinarily of a school-house of rather simple construction, a teacher's quarters built either against it as an ell or as a detached cottage, possibly a barn and storehouse, and a tract of land large enough for a kitchen-garden. This general plan is subject to such modifications as special considerations may demand; its broad aim is to make the Government day-school perform for the young Indians all the functions that the district school in rural white communities performs for the children tributary to it, but with some marked additions. It teaches them to read and write English and to cipher a little; the boys learn also how to raise vegetables, and perhaps to harness a horse and milk a cow, to build and mend a fence, and the like; the girls learn sewing, cooking, washing and ironing, how to set a table and make a bed, and in some cases the care of poultry and the rudiments of dairy work. This variety of instruction presupposes the presence of instructors of both sexes, so provision is always made at such schools for a man and wife, one acting as teacher and the other as housekeeper or farmer as the case may be. A simple luncheon is spread at noon, consisting of bread, molasses and beans, with an occasional diversion if the children have succeeded well enough with their gardening to raise a few melons or a little corn or fruit.

The boarding-schools are supposed to take children of a somewhat more advanced age and intelligence than those who are gathered into the day-schools, and to give them a more extended course of study. They also supply a definite need on reservations where it is impracticable to extend the day-school system beyond its present dimensions; as for example, where the Indian families are so thinly scattered over a large area that it would be out of the question for any considerable number of children to walk daily to one school, or where the parents are engaged at an occupation like sheep-herding, which requires them to shift camp from season to season. The design kept in view by the advocates of the non-reservation boarding-schools, in carrying the children hundreds of miles away from home and trying to teach them to sever all their domestic ties and forget or despise everything Indian, is to surround them with white people and institutions for the whole formative period of their lives, and thus induce them to settle down among the whites and carve out careers for themselves as the young people of other races do.

This theory has always had its attractions for a certain class of minds, but in practice it has not worked out as expected. Its most ambitious exponent is the Carlisle Indian School, set in the midst of a thrifty farming country. If any experiment in that line could hope to succeed, this one ought to have succeeded. It has been followed by more than a score of similar ventures in the West. A few of these schools were undoubtedly established, as Carlisle was, in response to

what their authors believed to be a real demand of the cause of Indian civilization; but in course of time the establishment of new non-reservation schools became a mere meaningless habit. Some Senator or Representative in Congress would take a fancy to adorn his home town with a Government institution, and, if the supply of custom-houses and pension agencies and agricultural experiment stations happened for the moment to be running short, he would stir about to secure votes for an Indian school. Any educational project can count on a certain amount of legislative support on the strength of its name; and, once established, of course a school has to be kept up with goodly annual appropriations. What matter if the Indians do not care to send their children to it? Then the thing to do is to coax, urge, beg, till they give way. If opportunity to obtain an education free of cost does not offer enough attractions in itself, organize a brass band and a football eleven for the boys, and a mandolin club and a basket-ball team for the girls, circulate pictorial pamphlets showing the young players in all their brave regalia, and trust the stay-at-home children to wheedle their parents into consenting!

Nay, until a year or two ago it was the custom, when all mere material devices failed, to give one of the most wide-awake school employees a long leave of absence on full pay, in consideration of his going to this or that reservation and bringing back twenty children. Never mind how he got them—the one point was to get them, good or bad, sound or weakly, anything that would pass a very perfunctory scrutiny and add one name to the

school roll. And when two or three such canvassers, representing rival schools, came into collision on the same reservation, resorted to every trick to outwit each other, and competed with bigger and bigger bids for the favor of parents of eligible children, what was the Indian to think? Is it wonderful that a certain old-fashioned Sioux asked a missionary teacher: "How much will you give me if I let my boy go to your school? That other teacher says he will give me an overcoat!"

CHAPTER VIII

TIME FOR A TURNING

Overhauling the Indian School System—Day-Schools and Their Influence—Mutual Needs of Parent and Child—The Educational Almshouse and the Harm It Does—Necessity for a Compulsory School Law—Stunting Effect of the Institutional Routine—A Big Boarding-School as a Machine—Perils of the Herding Process—A Benevolent Beginning and a Wasteful End—How to Get Back to Common Sense.

THE Government's educational programme in behalf of the Indian race calls for a thorough overhauling. Our schools are run too much on machine methods, yet each school is so far a law unto itself that the Service as a whole lacks singleness of aim and harmony of action. The schools need to be unified, vitalized, and brought not only into consistency with each other but also into active relation with the objects outside of themselves for whose advancement they exist. In the instruction of their pupil body, standardization should give way to individualization. As will be seen, some of the disorders are systemic, some affect only the surface. To undertake the consideration of all would require more space than can be spared for one subject in a volume like this. The most I can do is to point out a few fundamental mistakes which have

their origin in the fact that we began at the wrong end of the educational process. Unpleasant as such a confession may be, good conscience demands that we frankly make it, call a halt, and work back as best we may till we reach normal conditions again.

About a dozen years ago I passed some time as an inmate of a Hopi dwelling in Arizona. Our party occupied the large room of the house, and the woman of the family took care of it for us, made our beds, cooked our meals, set our table and washed our dishes, all with the assistance of her two little daughters, aged eleven and thirteen years respectively. Moreover, she performed these housewifely duties as well as they would have been performed in most of the white settlers' cabins in the Southwestern desert. In response to inquiries, she told me that all she knew in this line she had learned from her daughters, who attended the day-school at the foot of the mesa, and who brought home every evening something of what they had absorbed, thus giving their mother, in a manner so unobtrusive that she was scarcely conscious of it, a share in the benefits of their daily training. The children were happy as well as useful; from other examples I had studied, I felt sure that they would continue to take part in the ordinary life of the pueblo, but with a good equipment in primary instruction and a few fixed civilized habits which would raise them one step above their environment without taking them completely out of touch with it. What their mother had learned, she was already turning to practical account in her regular round of work, and by degrees other women who

associated with her would be drawn into doing the same things in the same way. I describe this case not because it is unique, but merely as one of a hundred possible illustrations showing through how wide a circle the influence of one small school in the Indian country may radiate, if planted in the right place and managed in the right fashion.

Suppose, instead of having her girls continually under her eye, and picking up through them her scraps of knowledge of a cleaner, more orderly, and vastly more healthful mode of housekeeping than that which had been handed down to her, she had seen them sent away to a distant boarding-school, to be absolutely separated from her for five years, to be taught to look upon their home as an odious place and upon their parents as degraded and unworthy of their respect, and to be returned at last aliens in speech, in dress, in manners, and, alas! probably also in affections? No white mother need be told that her children are as necessary to her development as she is to theirs, or reminded what it would be to her to be robbed of their companionship during a long period while they were in process of transformation into foreigners. And if a woman in the midst of civilization, surrounded with everything which makes life interesting and attractive, mourns when she misses from her home the little folk for whom she must make daily sacrifices, fancy what a like experience must be for the poor, starved soul whose lot is cast in a pitiless wilderness, with no intellectual resources to divert her thoughts. For the Indian mother, ignorant, coarse, uncouth though she

may be, loves her babies with the same fervor as if she were cultured, and graceful, and white.

Passing from the consideration of the home to that of the community, we saw in the last preceding chapter what is liable to happen to the Indian youth who has spent all his plastic years in civilization and returns to his former barbarous surroundings. Instead of forging to the front among his own people through their ready homage to a trained intellect, as the white youth does when he returns to his native village with university honors, he exerts no influence whatever upon them beyond inflaming their distaste for everything civilized. Had he enjoyed fewer advantages but shared these with the Indians about him as he went along, the consequences would have been far more satisfactory for every one concerned.

So the whole subject pivots on the question whether we shall carry civilization to the Indian or carry the Indian to civilization, and the former seems to me infinitely the wiser plan. To plant our schools among the Indians means to bring the older members of the race within the sphere of influence of which every school is a centre. This certainly must be the basis of any practical effort to uplift a whole people. For its demonstration we do not have to look beyond our experience with Caucasian communities, where it is obvious that the effect produced upon the character as well as the intelligence of any neighborhood by having abundant school facilities close at hand, is by no means confined to the generation actually under the teacher's daily ministrations.

Although we cannot afford to dispense wholly with boarding-schools among certain tribes still nomadic in their habits or whose homes are very widely scattered, yet we could reduce the difficulties of the situation to a minimum by confining such schools to the reservations, where the children may be within easy enough reach of their parents to enable the latter to see them at frequent intervals. Indeed, an improvement which I had started to work out while in office, and which I hope may be developed, involves the rearrangement of the school year in this class of institutions. The present practice of keeping all pupils for a ten-months term I consider a mistake, especially in those places where the adult Indians are already well along on the road to civilization and self-support. Children between the ages of five and twelve ought not to be separated for the larger part of a year from their homes and parents; it would be wiser to let them attend three months in the fall and three months in the spring, choosing those seasons in which they would need least coddling and when they could spend all except a few study hours daily out of doors. Well-grown boys and girls from fifteen to twenty years old, whose help is necessary to their parents on the family farm and in the household, could be taken only for the winter months, when there is least of their kind of work to do at home and they can most easily be spared. The intermediate group, say, thirteen and fourteen years of age, are at a stage in life when their strength is most liable to be overtaxed, and when mind, body, and moral nature are most in danger of suffering an incurable warp;

I should therefore take special care to surround them with a normal and wholesome environment, encouraging them to work in the home gardens in the spring, and in the neighboring orchards, if there are any, in the fall, and take such time as is left to do their studying. This is a plan which has become operative in rural communities of white people of modest means, having grown naturally out of their own necessities.

Albeit boarding-schools on reservations are far preferable to those at a distance, all boarding-schools conducted on the lines laid down by the Government for the civilization of the Indians are an anomaly in our American scheme of popular instruction. They furnish gratuitously not only tuition, but food, clothing, lodging, and medical supervision during the whole period for which a pupil is enrolled. In other words, they are simply educational almshouses. Nay, though ostensibly designed to stimulate a manly spirit of independence in their beneficiaries, their charitable phase is obtrusively pushed forward as an attraction, instead of wearing the brand which makes the almshouse so repugnant to Caucasian sentiment. Thus is fostered in the Indian an ignoble willingness to accept unearned privileges; from learning to accept them he gradually comes to demand them as a right; with the result that in certain parts of the West the only conception his white neighbors entertain of him is that of a beggar as aggressive as he is shameless. Was ever a worse wrong perpetrated upon a weaker by a stronger race?

Unhappily, our generation cannot go back and make

over from the start conditions which have come down to us by inheritance. We can, however, do the next best thing, and avoid extending and perpetuating errors for which we are not responsible, and we can improve every available opportunity for reducing their burden. Just as we have undertaken to free the Indian from the shackles which the reservation system has imposed upon his manhood, so we should recognize it as a duty to free him from the un-American and pauperizing influences which still invest his path to civilization through the schools. The rudiments of an education, such as can be given his children in the little day-school, should remain within their reach, precisely as they are within the reach of the white children who must be neighbors and competitors of the Indian children in their joint struggle for a livelihood. This being a reciprocal obligation—the right of the child, red or white, to enough instruction to enable him to hold his own as a citizen, and the right of the Government to demand thus much of every person entrusted with a ballot—I believe in compelling the Indian parent, whether he wishes to or not, and by physical duress if necessary, to give his offspring such advantages. The \$2,000,000 a year which we have been spending on the non-reservation schools, if spent in expanding and strengthening the Indians' home schools, would have accomplished a hundredfold more good, unaccompanied by the most harmful effects upon the character of the race.

But how shall we get rid of the non-reservation schools? Close them to-morrow, hang out the auction-

eer's flag, and appoint a receiver? That is not necessary. If we have reached a turning in our long lane of well-meant folly, we can drop these schools one by one, or two by two, so as to produce the least practicable disturbance of conditions; and even in those which we retain for a limited time we can make salutary changes. First of all, the distinctively Indian element in their composition should be wiped out completely. Where else does the United States Government maintain similar race bars in education? It is our business to strive everywhere to erase those lines which still rule off the Indian as a separate civic entity. Ethnically, he will always remain an Indian, with Indian color, Indian traits of mind, Indian ancestral traditions, and the like; and there is nothing to deplore in that, for he has abundant reason for all his pride of race. But as a citizen of our republic and an equal sharer with his fellows of every blood in their common privileges and responsibilities, I shall be glad to see the last mark expunged which tends to keep alive in his mind any civil distinctions and confuse his sense of allegiance.

The proposed obliteration of the exclusively Indian character of the schools can be accomplished by throwing them open to pupils of all races alike. But the maintenance of institutions of the higher learning, looking to no special and direct end for the national profit, does not seem to me a legitimate function of the United States Government. I should prefer, therefore, that if the Government has no administrative use to which to put one of these institutions, it should say

to the State in which the premises are situated: "Here is a school plant of some value, in good order. It has industrial shops, a small farm, school-rooms, dormitories. We will make you a gift outright of the whole establishment if you will agree to continue it as an industrial school, and to put a proviso into its charter that for the next ensuing ninety-nine years any Indian who wishes an education there may have his tuition free." Such an arrangement, which has already been made in a few cases since I proposed it officially, gives the ambitious young Indian enough of an advantage to satisfy the sentimental demands of the situation, without, on the one hand, continuing his present subjection to the degrading influence of gratuities, or, on the other, putting such burdens upon the State.

The only argument with even a color of merit that I have ever heard advanced in favor of the perpetuation of the non-reservation school system came from a missionary who, after descanting on the demerits of such schools, added: "Still, they offer the only chance the children on my reservation get for seeing the outside world." When I inquired how much of the real world a child saw while mewed up within the compound of a school conducted under the strictest institutional discipline, she admitted that it was little. "But," she persisted, "they do see a good deal when they are sent away to the homes and farms of the neighborhood under the outing system." I was obliged to remind her that this was actually an argument against the schools, as the outing system was so styled

because it took children out of a school in order to teach them something they could never learn inside of it. Besides, I was then engaged in building up an outing system on a vastly broader and more practical basis than had ever been known before, to include the schools on the reservations; and its fundamental idea was that the active employment of the young people, at wages measured by the hard market value of their labor instead of by the artificial standards of philanthropy, gives them much clearer and more useful views of life than any outing system devised as part of a school curriculum. It has also the virtue of serving as a test of character under the very conditions which will confront them after they leave school to seek a living.

An objection to all Indian boarding-schools, whether on or off a reservation, is that a pupil grows up amid surroundings which he will never see duplicated in his own home. Steam-heating, electric lighting, mechanical apparatus for doing everything—these cultivate in him a contempt for the primitive contrivances which must make up his environment as a poor settler in a frontier country. His notions of the relations of things are distorted; for his mind is not developed enough to sift and assort his observations and distinguish between essentials and non-essentials, between the comforts which are within his reach and the luxuries which are beyond his legitimate aspiration. The cost of keeping up one of these establishments with its army of employees will hardly be appreciated till the inquirer runs his eye over the roster of a

large non-reservation school and finds there under regular salary:

1 superintendent	1 band conductor
1 assistant superintendent	1 instructor in tailoring
1 financial clerk	1 instructor in harness-making
4 ordinary clerks	1 instructor in shoemaking
1 assistant clerk	1 instructor in tinsmithing
1 principal teacher	1 instructor in painting
1 senior teacher	1 instructor in blacksmithing
1 normal teacher	1 assistant blacksmith
14 ordinary teachers	1 instructor in carpentry
1 drawing teacher	1 assistant carpenter
1 sloyd teacher	1 superintendent of industries
1 physician	1 disciplinarian
1 outing agent	1 quartermaster
1 girls' field agent	1 housekeeper
1 librarian	1 school cook
2 matrons	1 hospital cook
3 assistant matrons	1 baker
1 nurse	1 dairyman
1 seamstress	1 printer
3 assistant seamstresses	1 florist
1 laundry manager	1 engineer
2 assistant laundresses	1 fireman
1 farmer	1 teamster.
1 assistant farmer	

To maintain the long pay-roll of the school, and to buy the food and the clothes and the fuel and the manifold other necessaries of its wholesale housekeeping, the Government pays \$167 a year for each pupil taken care of. Besides that, it pays by separate appropriations the Superintendent's salary, which, let us say, is \$2,500; for the cost of transporting the pupils from and to their homes; for sundry additions to the plant like a larger well, or a new boiler-house, or a more modern steam-engine; \$4,000 to \$10,000 for "general

repairs and improvements," and the like, bringing the total charge up to \$200 or more per pupil. Yet these figures are what remain after the Indian Office has trimmed down, with what looks like a merciless hand, the estimates turned in by the Superintendent in his zeal.

Contrast such an exhibit with that presented by the day-school, where we find a simple building and a simple equipment, with only a teacher and housekeeper in charge; or, if the school outgrows the dimensions within which these two persons can do all the necessary work, one or two more teachers are employed. The cost per pupil ranges from about \$36 a year to \$67, according to the number enrolled in a single school. A safe average for the whole day-school system would be \$50 per pupil, or, say, one-fourth of what we are spending on each pupil in the non-reservation boarding-schools. In other words, we are spending to-day on a part of our Indian school population at least twice as much as could be profitably spent in giving to the whole of it the facilities it needs. No taxpayer would begrudge the expense, in itself considered, if it really accomplished any substantial good; but when the benefits of our school system in one direction are nullified, or worse, by its influence in another, the resultant shows that what started as a benevolent extravagance has degenerated into a pernicious waste.

Again, we must not overlook the fact that the young people gathered in the big schools are of both sexes, and drawn from a socially undeveloped race. They are in the adolescent period of their lives when even

among white boys and girls, with a long line of convention-bred ancestors behind them, it is not generally deemed advisable to permit very close and constant intercourse. No one who has not sat in such a confessional as the office of the head of the Indian Service can appreciate fully what this means. Some of the leading mission organizations understand it, though, and have taken warning from the Government's experience and established separate schools for the two sexes.

So much for the economic and moral phases of the question; but it presents another phase which appeals to the humane mind as equally important. The uninformed reader would be startled if he could travel through the frontier country as I have travelled for so many years, and hear from their own lips the opinions of physicians, missionaries and others familiar with the subject through living long among the Indians, that the big boarding-schools, with their herding practice and their institutional routine, their steam-heated buildings and their physical confinement, furnish ideal conditions for the development of germ diseases among the race put through the forcing process there. To these may be added the testimony of old experienced members of the Indian Field Service, that the greatest percentage of cases of tuberculosis on their reservations is to be found among the pupils returned from the non-reservation schools before graduation.

The whole method of conducting these schools is conducive of unwholesome conditions for young peo-

ple who have been always accustomed themselves, and are descended from an ancestry always accustomed, to the freest open-air life. It may be asked why it would not be better to change a method than to break up a school; but the fact is that the method is practically the only one which can be pursued in an institution where several hundred undisciplined children are crowded together continuously for a series of years, and nearly everything has to be done on a wholesale scale if it is to be done at all. As long as the appropriations for such schools continue to be voted by the legislative branch of the Government, it will be the duty of the executive branch to make as effective use of the money as possible; hence the Indian Office has been obliged to apply palliatives rather than remedies to existing evils. As a first measure of relief I issued in 1908 two circulars, designed to insure more faithful enforcement of our regulations against taking from the reservations children who were too young, or mentally deficient, or of weak constitution, or actually diseased, removing them recklessly from a rare to a heavy climate or from a cold to a hot one, or vice versa, and mixing them with a horde of other children gathered with equally little discrimination. For out of the custom of sending irresponsible canvassers into the field to collect children, had grown up a regular traffic in these helpless little red people. The appropriations for the support of the schools being based upon the number of children who could be gathered into them at the rate of \$167 a head, the canvasser occupied to all intents the position of a supply agent who received his com-

pensation, in favors from his Superintendent, according to the success of his foray. How many grades higher in moral quality was such commerce in human flesh and blood than that once conducted on the Guinea Coast?

The competition between the schools had become so intense that sometimes two canvassers would lay hold of one child and each would devise schemes to steal it away from the other. The parents, in many cases, had to be entrapped into consenting, as they had had so sad experiences in the past with children whom they had been lured into letting go, only to have them sent home in the last stages of consumption. So the circulars, one of which was addressed to the Superintendents of reservations and the other to the Superintendents of non-reservation schools, forbade the sending of any more canvassers for children; gave the parents the same freedom of choice between schools that white parents have; and required that pains should be taken to have every parent informed of the distance his children would have to travel if they went to any given school, the climatic and other conditions they would face there, the courses of study, the industries taught, and so forth. Pressure of any sort was rigidly forbidden, and the Superintendent of a reservation, whom the Indian Office holds responsible for the welfare of the Indians under his care, was made the party accountable for seeing that the children's interests were properly protected and that the whole business of recruiting the schools was carried on in a seemly and honorable manner.

Independent of the broader reasons I have already cited for issuing these circulars, I had two administrative ends in view. Discoveries of various forms of petty graft growing out of the old canvassing system showed that it was undermining the morale of the Service; and it seemed to me that there was especial need of a sound moral basis for the conduct of persons who were to serve as exemplars as well as instructors of children. Also, I believed that the proposed departure would prove whether any of the schools were really so firmly grounded in popular favor among the Indians, or in their own records for honest management and effective work, as represented by their respective champions, and hence worthy of exceptionally liberal treatment thereafter for such time as it might be deemed desirable to retain them.

Meanwhile, as it was fair to assume that certain of the best-known schools would continue to receive support for some years longer, and as I have always felt that whatever was done with Government institutions ought to be well done, I undertook to modify their courses of study so as to strengthen particular features in each with the purpose of letting it gradually specialize in the lines which its location, climate and other circumstances particularly fitted it to follow. For example, the school at Carlisle, Pennsylvania, is the only one of its kind planted in the East. Hence I tried to emphasize there those applied arts whose products find their largest market in the East, and to encourage the attendance only of those Indian youth who entertained a notion of settling in the East, or who needed

familiarity with Eastern conditions in order to succeed somewhere else, and who in any event were strong enough physically, and well enough trained in taking care of themselves, to be safely sent so far from home and into a wholly unaccustomed climate. Haskell Institute, in Lawrence, Kansas, being situated in the Middle West, is near the best market for Indian clerical labor, and hence I felt that special stress ought to be laid there on the business course, with its drill in stenography, typewriting, bookkeeping and the like. Sherman Institute is in the heart of the California orange country, so that fruit culture ought to, and does, fill a large place in its curriculum. These examples will suffice to convey the idea of what I had in view in the development of non-reservation schools along the lines which nature, rather than human whim or artifice, had marked out for them.

For obvious reasons this chapter has been largely a record of, or a deduction from, personal experience and observation, and I cannot expect that every one who feels an interest in the Indian question will agree with my philosophy, at least at the outset. But I realize pretty well from what quarters the opposition will come, even setting aside those critics who are afraid of losing supply-contracts, or salaries, or reputations as educators built up on sentiment. For instance, the Government's original fixed investment in lands and buildings at the non-reservation schools would, if footed up, represent some \$3,000,000, and there are not a few prudent economists who would put this forward as an argument for continuing to spend an equal sum every

two years on current expense account for something not needed.

Again, there will come to the front the public men and prominent private citizens who have procured the establishment of Indian boarding-schools in or near their home towns, expecting these institutions to stand forever as monuments to the authors of their being and as show-places to attract visitors. "Abandon all the rest," they will plead, "but spare ours." Yet again, there will come opposition from an element in the community who are public-spirited in a general way but uninformed as to details and not much interested in them; who believe, as a fundamental tenet in the creed of good citizenship, in "education," without having considered the real meaning of the term; who, visiting a public institution, found their judgment of its merits on the cleanliness of the buildings and the neatness of the lawns, the orderly way in which the inmates march to and from their meals or recite formulas in concert in the assembly hall. They regard the well-fed and well-dressed Indian child who can reel off the list of Presidents, or draw a map in colors, as "civilized," without looking beneath the surface or asking what is to become of him after quitting school for good.

Though Congress has already heeded the admonition that the time has come for a turning, it is feeling its way with a good deal of caution. But in spite of the fact that it is not reducing the number of non-reservation schools at the rate which circumstances would well warrant, it is furnishing a more and more generous budget for the extension of the day-school system.

The buildings erected with this money are by no means so elaborate as those built in former times for day-school accommodation, for it seems absurd to spend from \$5,000 to \$8,000 for a house which can be furnished, abundant in size and equipment, for \$1,500. The Indian Office is now keeping steadily in view its ultimate plan with regard to these day-schools, of turning them over to the States in which they lie, as soon as white settlers and taxpayers have come thither in sufficient multitude to justify the establishment of a local system of common schools.

And finally, every Indian parent who lives near enough to a common school to send his children there, is encouraged to do so instead of sending them to a Government school. In such cases the Government pays to the county authorities monthly whatever fee per pupil may lawfully be charged. All this is in the line of mixing the races socially, and mixing them in a natural and rational way.

CHAPTER X

THE INDIAN AS A CAPITALIST

Tribal Trust Funds and Their Origin—Replacing Fictitious with Real Capital—Sources of Indian Income—Dead Letter Treaty Provisions—Absurdity of Permanent Annuities—Turning Gratuities and Land Payments into Wages—Leasing Allotments—Improvidence of Indian Heirs—The Trader, His Virtues and His Vices—Plan for the Incorporation of Tribes—A Proposed Court of Indian Claims.

It is a mistake to infer, from the disposition shown by Indians generally to accept gratuities from the Government, that poverty is the universal rule among them. On the contrary, barring any massive private accumulations, their fortunes are as varied as those of other races. Some of the tribes are very well to do. The Osages, indeed, are the richest people per capita on earth; if everything they possess could be turned into cash to-morrow at full value and the proceeds distributed, every man, woman and child in the tribe would probably receive between \$35,000 and \$40,000. At the opposite end of the scale stand Indians like the Diggers of California, many of the Piutes or the immigrant Crees, who have not a penny to bless themselves with.

The books of the United States Treasury show trust funds deposited there, actually or constructively, to

the credit of a number of tribes, aggregating about \$38,500,000, and yielding an annual income, from interest at four and five per cent, of more than \$1,800,000. The capital sums due individual tribes range from \$8,000,000 for the Osages down to \$3,000 for the Shoshones and Bannocks. They are the fruits of all sorts of negotiations with the Government from 1837 to the present day. Sometimes the Government has induced a body of Indians to remove from lands which they have been occupying, and take up their residence on others selected for them, obligating itself for a specific sum in consideration of their compliance. Sometimes it has bought part of their lands outright, and deposited the purchase price in the Treasury for their benefit. Sometimes it has taken over lands, and sold them for the account of the Indians lately occupying them, and deposited the proceeds in like manner.

One is struck, in running through the list of big land grants and generous money provisions made for so many of the tribes, with the fact that the largest favors seem to have gone to the Indians who formerly manifested most hostility toward the Government, and the smallest, as a rule, to those who were complaisant and good-natured in circumstances which would have justified a display of indignation. In short, the Government appears to have been more strongly moved by its fears than by its gratitude. This is not entirely creditable to the nation, but it is hard to concentrate the responsibility for it anywhere in particular. While we may deplore the fact that a tribe which was notorious for its bloody outbreaks and kept its

white neighbors always in terror, was better treated than one which received the settlers hospitably and even stood between them and other Indians, we are bound to ask, what was the alternative? To have guarded the frontier adequately would have required a standing army large enough to bankrupt the young republic, and a ruthless war of extermination whenever a fresh enemy arose. The whole matter finally resolved itself into a choice between buying out and getting out; the Government decided to buy out; and the price demanded by the other party was whatever it could frighten the Washington authorities into paying. These considerations may not increase our respect for the course taken by our fathers, but they may inspire a little more charity for it.

I spoke of some of the funds as being "constructively" in the Treasury, because in several instances they have been named in the statutes but never formally appropriated. They are pure "paper funds," existing only in a verbal fiction, but serving as a capital on which Congress appropriates in each annual budget a given sum "in lieu of interest." Of course, the obligation of the Government is not at all affected by this formality. One day Congress will be faced with the necessity of either appropriating the nominal funds so that they can be distributed in cash, or else repudiating a just debt. During my term as Commissioner I made an earnest effort to procure appropriations of the capital sums necessary to wind up the whole fictitious business and put the Indians upon the same footing with other creditors of the Government.

The most progressive members of both houses of Congress approved the policy, and a few of the paper funds were wiped out; but an undertaking of that sort must always be slow of accomplishment, as it is hard to make some of the lawmakers understand why so large a sum should figure in a budget bill to finance a transaction in which there is no physical transfer of money. Now that the movement has been started, only patience and persistence are required to see it through.

Besides the funds really and nominally in the Treasury and bearing interest, some tribes derive income from special provisions in their treaties. These present all sorts of petty items, many of them regarded as important when the treaties were signed but now outgrown and absurd, and all of them annoying, because the handling of five dollars involves about as much administrative red tape as the handling of ten thousand. For example, the Pawnees receive annually \$500 "for iron and steel and other necessary articles for shops." The clause of the treaty of 1857 which contains this provision calls also for "pay of two blacksmiths, one of whom is to be a tin and gunsmith, and compensation for two strikers and apprentices." As all the employees needed by the agency to meet the demands of more modern conditions are furnished, the strict letter of this requirement has been ignored for a number of years, and the same money diverted to other uses at the executive discretion; but it may one day rise to vex the Government with a technical issue.

Again, the Pottawatomies have a promise, dating back to 1829, of a permanent provision for furnishing

salt; and another, made at various dates between 1828 and 1846, of a periodical payment of money in lieu of tobacco, iron and steel. The Six Nations of New York have been receiving for 115 years what is called a permanent annuity of \$4,500 in clothing; but the fulfilment of the stipulation, in spite of its good faith, has been a pitiful farce. The Oneidas of Wisconsin are a branch of the Six Nations who went off a good many years ago and established a separate community; and they take \$1,000 a year, in cash in lieu of clothing, as their share of the permanent annuity. Their tribe having increased till it now numbers more than two thousand souls, the amount due annually to each man, woman and child has dwindled to 43 cents. The Superintendent and his clerical help spend several days of each year drawing checks, revising pay-rolls and balancing accounts, in order to make this paltry payment; and some of the Indians drive or walk long distances and spend considerable periods away from home in order to collect it. Meanwhile, for the rest of the Six Nations the Government goes to the trouble and administrative expense of buying \$3,500 worth of calico and sheeting every year, each Indian receiving three or four yards, and often incurring an outlay which would have bought him the same things several times multiplied. It would cost only \$90,000 to capitalize the whole annuity of \$4,500 and thus get rid of a perennial nuisance.

In behalf of better business methods, I attacked this anachronism also, and procured permission from Congress to treat with the several tribes involved, with a

view to obtaining their consent to capitalize their perpetual annuities at a fair percentage and either paying them the capital or spending it for their benefit. The result of one season's negotiations justified the effort, and indicates that we shall ere long see this class of anomalous debits blotted out of the Government's ledger.

Two sources of tribal income have yet to be mentioned. They are styled respectively, for bookkeeping and statistical purposes, "gratuities" and "proceeds of labor and miscellaneous." Into the first group enter the sums annually voted by Congress for the support of tribes who have no treaty funds, or whose funds are deemed inadequate to their needs. Here we come again upon one of those cases in which the humane and the moral forces seem to war against each other. Rather than see him go hungry, the Government is willing to license the Indian as a perpetual pauper. There is not a part of the agricultural West where the demand for field labor does not exceed the supply, and no class of men are better adapted by nature for supplying the demand than the Indians; but instead of voting funds for transporting Indians to places where they can find something to do, and then resolutely requiring the able-bodied men to take the work offered or submit peaceably to the consequences of refusal, our lawmaking body puts off from year to year the inevitable day of reckoning, and thus keeps alive a problem which ought to pass into history with the present generation.

The second group has more to commend it than the first, because it has at least an ostensible business

basis. "Proceeds of labor" may be a rather misleading term, as it covers rents from leased tribal lands, and proceeds of sales of cattle from tribal herds which, on most reservations, have been cared for largely by white employees of the Government. Into the miscellaneous category also enter such items as money from the sale of lots in townsites laid off on tribal lands, and of stone and timber and rights-of-way; besides bonus and royalty collections on leases of ore and coal mines, asphalt beds, oil well privileges, and so forth. Still, though in such instances the members of a tribe may not have so much as turned over their hands for productive purposes, the tribe at least possesses something which somebody else wants and is willing to pay for, and that furnishes a legitimate economic condition untainted by the gratuity abomination. Of course, as the tribal lands are gradually opened to settlement and sold, this well-spring of communal income steadily recedes, and in a few years it will have dried up altogether.

The gratuities for support have in most cases been turned into rations and distributed in that form, on the assumption that the Government could buy food-stuffs on better terms than the Indians, and that much of the money would be wasted on frivolities or gambling or drink if given directly to the beneficiaries. The same is true also of some of the funds coming to Indians in payment for their lands, where it has not been thought best to put these away in the Treasury. During the administration of Commissioner Jones, however, a series of cuts were made into the ration list

everywhere, and the able-bodied Indians who formerly came begging for food and clothes were offered instead an opportunity to work on public improvements on their reservation at day's wages. This caused great dissatisfaction among the lazy element, and the struggles some of them made to change the Government's plan showed considerable ingenuity.

Soon after the new rule went into effect, I was visiting one of the Northwestern reservations and was invited by the Indians to address them in council. We discussed a number of subjects, and then came up the ever fresh question of rations. The chief spokesman for the Indians reminded me that the Government, several years before, had induced his tribe to cede a certain strip of mineral-bearing land on the western side of the reservation, and as part of the purchase price had agreed to send a fixed sum annually for a certain term of years. This money, instead of being paid to them in cash, had been expended for rations, which had been distributed in the usual manner. "Now," he continued, "Washington has changed its face, and no longer gives us either the money or the rations, but sets work for us to do, and pays us the same money in wages. Is that right—to make us work for our own money?"

"You receive the money, do you not?" I asked, somewhat disconcerted, and sparring for time while I cast about me for some explanatory parallel.

"Yes, we receive it, but we have to work for it, and that was not in the bargain." A loud chorus of "Ugh's" from the listening circle showed that the orator's argu-

ment was approved by his clientele. At that moment a bright idea flashed upon my mind.

"I am sorry for my friend," said I, "if he thinks that Washington is not keeping its promises. But Washington has made one big promise to all the Indians: to do for them whatever it knows is best for their civilization. In this case, Washington believes that your tribe will be better for learning to work and support themselves instead of remaining idle. Now, my friend does not deny that his people are learning to work and earn wages, or charge that the Government is holding back any of the money it promised to distribute among them. He only complains that before they can get the money due them they have to perform some labor. Let me show you how that is.

"Yesterday I was at the place where you are working on your irrigating canal. At one point the land is high; then it suddenly drops off to a much lower level. The man in charge of the work tells me you are going to have a fall there. Is that true?"

The whole party assented, and I went on:

"Suppose, instead of letting the water run idly down that fallway, you were to build a mill with a big wheel dipping into the canal so that the falling water would turn it, and it would move the mill machinery, and you could carry your grain to the mill to be ground and your logs to be sawed: would that hurt the water? Would there be any less water in the canal after it had made the wheel go around? Would it not be just the same water, and could it not still be carried through ditches to your farms and spread over them? And

would not your crops grow just as well then as if the water had not been used for any other purpose on the way?

"Your money comes to you, as the Government promised it should. On the way to your pockets it makes your bodies do some work, and the work is as good for you as the money; so what Washington is doing is not taking away any of your dollars, but giving them to you with a benefit added."

I heard no more of that complaint, but I am not sure that it was not raised again with the next visiting representative of the Government.

The financial resources of individual Indians vary with the history and condition of their tribes, the neighborhoods in which they live, and their own advancement in civilization. Under the communal system, the interest derived from a tribal fund is distributed per capita among the members living on a certain date. If the births in a tribe exceed the deaths, the distributive unit in money becomes proportionally smaller, because there are more Indians to divide it between; for the child just born, and the veteran tottering on the verge of the grave, come in for the same share as the tribesman in the prime of life and strength. The communal system, with money as with land, has a stupefying effect upon the individual Indian, whose only concern with regard to his tribal fund is that once in so often he shall be summoned to a pay station to receive a handful of money, which as long as it lasts will feed him without labor. The way his property is providentially handled for him not only teaches him

nothing about business, but tends rather to abet his disposition to lie by and let things drift.

For these reasons it has long been the desire of the most advanced students of the Indian problem to have the tribal funds distributed, if not actually in cash, at least by a process of bookkeeping. Representative John F. Lacey of Iowa succeeded in 1906 in arousing Congress from its lethargy with respect to the reform, and framed a bill which, but for one belated and purely technical obstruction, would have found its way into the statute book at once. It provided that the President might designate any tribe whose advancement in civilization seemed to warrant such a step, to have its trust fund distributed between the members living on a certain date. The Secretary of the Treasury was then to divide the total amount of the fund by the number of Indians entitled to participate, open a ledger account with each of these and place to his credit his distributive share. Thenceforward the money represented by that credit would belong to him individually, though, if he were still incompetent to make a proper use of it himself, the Government could take care of it for him until he became competent or for the rest of his natural life. At his death, whatever balance stood to his credit would pass to his heirs-at-law. This plan would have assured the gradual, but perfectly protected, disintegration of the trust funds, and thus, in the course of a generation or two at most, disposed of another of the anomalies in our Government's business with Indians.

Blocked in his effort to carry his sensible measure to enactment, Mr. Lacey accepted under protest a com-

promise bill which became law. It provided a means whereby any individual member of a tribe who can prove his competency to care for his property may have his distributive share of the tribal fund set aside and given to him; the rest of the fund to remain undisturbed till the next member comes forward to claim his own, and so on. Although this law is better than nothing, it throws a much more elaborate and troublesome task upon the executive officers of the Government every time a demand is made for an individual share of a tribal fund. It also works to the disadvantage of the incompetent members of a tribe, in reducing their respective shares by a certain percentage every time a competent member's share is taken out; for the birth of more children will continue to bring new distributees into the group who will have eventually to divide the balance.

In dealing with Indian land matters I sketched briefly the process of leasing individual allotments. The rent is always paid by the lessee to the Superintendent of the agency, who in his turn sees that it gets to the allottee. Over the money due from this source to an adult, nobody but the Indian who owns the land has any control; a wife's lease money goes to her, independent of her husband. The rent of a child's allotment is deposited in bank to its credit, and drawn upon from time to time for its support by the parents or other persons charged with its custody.

Another resource is the sale of inherited allotments, also described in an earlier chapter. The proceeds of such a sale are divided as there shown, and deposited

in bank to the credit of the beneficiaries. In the early days of the law authorizing the sale of inherited lands the money was handed over at once, and without restrictions, to the heirs, but this practice was checked because of the abuses which cropped up under it. A trader on a reservation, hearing that a certain Indian was dangerously ill, would go to his heirs-at-law and offer to let them have anything they wished at his store on credit. Childlike, the heirs would covet everything in sight, and after a week or so would be down in his books for hundreds of dollars, representing little more substantial than sweetmeats, soda water and a few silly trinkets. When there was nothing left in his stock that they cared for at the moment, he would perhaps propose to lend them money, which would be charged to their account like goods.

Or, the heirs might not spend very much with the trader, but rush into other follies. One old woman, whose inherited allotment brought her \$2,500, gave \$1,000 on the spot for a second-hand buggy and a miserable team of horses, and drove twenty miles to her home, throwing a handful of money to every one she met on the way, so that by nightfall she had not a dollar left. A man who received \$2,000 for his inheritance proceeded at once to buy twenty horses, which he presented singly to whoever asked for one, and nearly all who asked were persons he had never seen before. These were not isolated cases or wild freaks; they were typical of the average use made of money which came in this easy way, and were merely expressions of a characteristic shared by most Indians still

in a backward stage of development—an inordinate craving to advertise their generosity. It is the same trait of which "give-away" dances and similar festivities are manifestations.

Between the trader's avarice and the Indian's ostentatious free-handedness, it became apparent to Commissioner Jones that a halt must be called. He accordingly fixed a date after which the Indian Office would recognize no bills against Indians handed in by a trader, except for absolute necessities; and ordered that no Indian heir should be permitted to draw more than ten dollars a month from his bank deposit on his own initiative, every expenditure beyond that limit requiring formal approval from Washington. It was the strong antidote needed just at that time; and the fact that we had to modify it some years later for the purpose of putting the Indian more upon his independent good behavior, was no reflection on its original salutary influence. The rule now is that an able-bodied Indian, capable of supporting himself and his family by his own efforts, will not be permitted to draw any of his money from the bank for the purchase of food and clothing, but may draw for the purpose of making permanent substantial improvements on his allotment; and that Indians not capable of self-support will be allowed to use as much of their money as may be required to relieve their necessities, though no periodical stipend is fixed any longer.

The philosophy underlying this plan is plain enough. If an Indian lives where labor is in demand, there is no excuse for his not earning his living; and to allow him

to draw upon his reserves merely for the purpose of continuing a career of idleness, is to throw vicious temptations in his way, besides increasing his power to injure his fellows by his bad example. The same objection would not apply to his drawing what may be needed for the improvement of his landed estate, since that would be only transmuting movable into fixed capital. On the other hand, if he is doing the best he can, but is limited by circumstances which he cannot control—as, for instance, if he is farming for himself and has put in a crop which requires present attention but will bring no harvest for months—he is deemed to be in the class legitimately worthy of encouragement, and the general inhibition is waived in his case to the extent needed to support him frugally through the non-productive season.

An Indian who, owing to physical or mental weakness or otherwise, is unable to do anything for himself, is of course a proper object of pity, and if he has money in bank ought to be allowed to draw enough to keep him from suffering. In such a case an arbitrary limit of ten dollars a month might be only a refinement of cruelty. So no bounds are fixed for the drafts of an Indian actually in need, but his Superintendent is instructed to look carefully into his condition and see that he gets what he requires. In short, a great deal more responsibility is thrown upon the field agents than ever before, and they have to become well acquainted with every Indian family in their respective jurisdictions in order to answer promptly any inquiry sent them from head-quarters at Washington. All this

makes not only for the safer and better handling of Indian moneys, but for more satisfactory local administration generally.

The excitement over the severely critical attitude assumed by the Indian Office toward the traders who allowed their Indian customers to run up unconscionable debts, has in a great measure died out. Most of the traders concerned admitted, when brought frankly to book, that the custom was a bad one. A few made a long, hard fight, and summoned to their aid every variety of private and political influence; others threatened lawsuits, and were astonished to discover that the Department welcomed any move on their part which would put the righteousness of its course to a judicial test. One of them wrote me a letter, half hostile and half appealing, about the case of an Indian whom he had trusted all through the last preceding winter because the poor fellow's wife was helplessly ill, and, but for this means of getting goods on indefinite credit, she might have died for lack of the foods and medicines prescribed by her physician. His story so worked on my sympathies that I sent for the account to go over it myself. There were several items covering food, medicines, clothes and bedding, it is true; but these were interlarded with dozens of charges for candy and similar trifles, and one for a box of six pocket-knives. I knew at once what that meant—a give-away feast of some sort; but I could not forbear asking my correspondent whether the doctor had ordered the invalid to take the knives internally or apply them as a poultice.

This is perhaps as good a place as any in which to interject a word or two about the Indian trader, who is by no means universally the black sheep one might suspect from reading of such incidents as I have just related. The trader is usually the only person about an agency who keeps any considerable amount of ready cash in hand, or has close connections with the outside world of business. He not only sells goods, but he is liable to be at various times a banker, pawn-broker, postmaster, tailor, butcher, advertising agent, undertaker, liveryman or hotel-keeper. There are few parts in the drama of reservation life which a trader of the older generation has not been called upon to play, and the stock character in his repertory is that of Everybody's Friend. In the past days when the uppermost thought in the Government's mind was to keep the Indians quiet, the trader was often a mighty power for peace. The wilder tribesmen had little conception of his business methods; but they knew that somehow, and from somewhere, he contrived always to be supplied with bacon and flour, beans and canned foods, and that as long as they kept in his good graces they would not be allowed to starve. If the Government paid their annuities by check, they carried their mysterious slips of paper to him and received money or merchandise in exchange. If the women made baskets or mats or bead trinkets, the trader always had calico or flannel to barter for these. If one of the children fell ill, and there were no physician at hand, the trader would manage to concoct a dose to hold the trouble in control till better advice could be procured.

I knew one trader who made his store more of a practical missionary head-quarters than the professional missionary's house was. He stocked his shelves and show-cases with goods which in character and arrangement would have done credit to a similar establishment in a white village. He lived in an ell of the store building, and used to leave the door of his living quarters ajar, so that the Indians could peep in and see what uses he made of his simple appliances of toilet and table. After he had sufficiently piqued them to emulation, he refused to sell them a set of cups and saucers unless they would buy a table to set them on. He kept bright mattresses and comforters for sale, but he would not sell one to an Indian who did not buy also a cot to hold them. Thus by degrees he lifted his customers off the ground and got them into an approach, at least, to decent household habits. Pretty soon he set up a sewing machine; and any squaw who would buy sensible goods for her own clothing and that of her children, he would teach how to use the machine, so that she could come there and make up her dress patterns. The boys who usually make themselves a nuisance around a trader's store he rendered harmless by keeping on his counter a few checker-boards, and showing them how to play games which gave them just as much amusement as their gambling sports. But he was a rare bird.

Most of what the traders did for the Indian could have been done by the Agents, but he knew that an Agent would be more inclined to hold him to a strict

account than a trader, and he did not fancy that. Besides, Agents were changed from time to time, whereas a trader might stay on for a whole generation, and Indians have a great preference for what is permanent over what is transitory. Thus grew up their practice of running into a trader's debt as deep as he would let them. The effect of this sort of thing was their loss of all sense of direct responsibility and all appreciation of relative values. Moreover, when they had learned that they could not only supply themselves on credit with whatever their fancy suggested, but afterward hide behind the Government to avoid paying their bills in spite of having money in bank, they came perilously close to deliberate dishonesty. This was not instinctive with them, but the fruit of the Government's protective policy. Yet what could the guardian do when it saw its wards in process of being stripped of their all?

As long as the Indians are kept apart from the rest of our population, governed by different laws, holding different relations to the Government and to the persons with whom they do business, so long are such conditions possible. One plan I have always had in mind for easing their progress from this abnormal to a normal status, is the incorporation of tribes. The tribe is an amorphous body unknown to our civilization. It is a relic of the patriachism which represented all there was of a social system in the early days of mankind, and is bound to give way before the spirit of our age, like other survivals from eras when life was much less complex. The Government, in its effort to break

the tribal bond, release the members from the dwarfing influence of communism and individualize them, is confronted by a serious difficulty in the domain of property rights. As far as tribal funds are concerned, it could be solved promptly by such a distributing process as was provided by the Lacey bill. Most of the tribes, however, have property interests entirely aside from their fund. In one instance it is timber land, in another mines, in others oil and asphalt deposits, in others water powers, etc. Often, also, there are odds and ends of land left over after the bulk of a reservation has been allotted and the surplus sold to settlers. Sometimes a tribe reserves a small tract to be used for a grazing common, which loses its character when the tribe ceases to raise cattle; or a few acres are kept for agency and school purposes, and when the country fills up and the agency is abolished, and the Indian children attend the public schools, there is no reason for keeping this remnant out of the market.

What happens in such cases is that the Government steps in and disposes of the mines and wells and their products, or sells the timber to the highest bidder, or leases the water powers, or puts up the lands at auction, and the proceeds of each transaction are divided between the Indians in driblets which, being too small to do anything with, go about as easily as they came. My plan would be to organize the tribe into a joint stock company in which every member should be an equal shareholder; to insure the Government's continuing for the present in actual control of the business, but with the Indians themselves having an advisory voice

in the management; to gather and classify all the miscellaneous assets and sell or administer them as would be done in any similar private undertaking, and to pay the combined returns to the shareholders at periodic intervals, in the form of corporate dividends instead of tribal annuities or benefits. Further outlines of the scheme, as reduced to legislative form to meet the existing needs of the Choctaw and Chickasaw Indians of Oklahoma, will be found in the chapter on "The Indian Territory Experiment." I shall ask any one who is sufficiently interested after reading that account, to consider the practicability of applying the same principle to the treatment of the miscellaneous property interests of other bodies of Indians.

With the aid of competent legal advisers I drafted a few years ago a general incorporation prospectus for Indian tribes, and submitted it to a few of the leading jurists in Congress. All but one gave it their approval, though fearing that so radical a departure would require a campaign of education to bring Congress to decisive action on it. The sole dissenter based his objection on the fact that I had not fixed any definite sum, in dollars, for the capital of such a corporation. I answered that that would be out of the question, as the assets in each case would constitute the capital, and few of the assets would be capable of specific valuation till they had been submitted to the commercial world to ascertain how much purchasers or lessees were willing to pay for them. He declared this an insuperable obstacle; but when the plan and the exception were laid before a lawyer who by general consent is regarded as

a leading American authority on corporations, he promptly dismissed the criticism with the remark that the identity of capital with assets was the surest safeguard of the honesty of a joint stock enterprise.

Among the unappraisable assets would undoubtedly figure the "claims" which Indian tribes are continually urging upon Congress. Not a few of these have a substantial foundation, like the comparatively recent demand of the Klamath Indians to be paid for a strip of land taken from them by a Supreme Court decision in favor of a private highway company. Congress acted with some speed on that claim; but there are others, probably just as sound, which have been pending so long that they have grown stale, and on which the best evidence is likely soon to be lost through the deaths of aged witnesses. On the other hand, many are as wildly absurd as the claim of one tribe to all the land now constituting the State of Nebraska, because their ancestors had once marched around it without encountering any successful opposition from other tribes—a proceeding which, by an aboriginal tradition respected in those ancient days, settled the title in the tribe making such a circuit. Still others have indecent lobby jobs behind them, like one which reached a successful conclusion not very long since, where a tribe which had accepted and been paid seventy-five cents an acre for land that afterward changed hands at a dollar and a quarter, came in with a demand for the difference.

Whether good, bad or indifferent when judged on their merits, all Indian claims stand on the same footing

as regards the harm they do the Indians themselves. Morally, it would be a happy day for the dependent race if Congress were to obligate itself irrevocably never to entertain any more of them. They only serve to keep a multitude of Indians in a state of feverish expectancy of getting something for nothing, which is fatal to their steady industry and peace of mind. That scarcely any of the claims now pending arose during the active life of the present generation, is quite beside the mark for them: the fact that a claim has been handed down from some remote period only gives it an additional sacredness in the eyes of the Indians now living and clamoring for the money. Moreover, a swarm of attorneys who make a specialty of Indian business, which is usually one-fourth legitimate practice to three-fourths lobby work, do all they can to inflame the excitement, doubtless in the hope that the claimant Indians may make demonstrations which will frighten Congress into favorable action. So the unwholesome condition feeds upon itself, and will continue to do so as long as nothing positive and final is done to check it.

The truth is—and nobody knows it better than the attorneys who have the claims in charge—that Congress is not the proper body to settle such cases. They involve judicial, not mere legislative questions; and even where the law is plain enough and only an issue of fact needs to be tried, the place to present that issue is before a jury or a board of skilled examiners who will follow the rules of evidence in digging out the details. The higher-minded men in Congress feel as

strongly as any one on this subject. They hate to sit in judgment on claims; and they know too well what ills grow out of the practice of substituting brilliant but irresponsible forensic oratory for simple, painstaking argument on established data, in presenting a case to a tribunal whose judgment is to carry with it hundreds of thousands, perhaps millions, of the people's money.

So for the abatement of these evils also I recommended the creation of a special court, or the addition of a branch to the present United States Court of Claims, to be charged with the adjudication of Indian claims exclusively. The life of this court or branch was to be limited to five or six years. Notice was to be served on every Indian tribe to prepare to file every claim, big or little, clear or shadowy, which it believed it had against the Government, with a warning that no claim filed later than three years after a certain date would be considered by the court. Such an arrangement would clear the atmosphere, while working no substantial injustice to any one. For valid claims, it would allow time enough; on those which were so vague that they could not be wrought into shape for filing within the period stated, it would have the same effect as a statute of limitations on ordinary business litigation.

This is another idea which may take a good while to expand and bear fruit. That resort must eventually be had to something of the sort is my firm belief, unless Congress is willing to leave open indefinitely a fertile mine of scandals and other unpleasantness.

CHAPTER XI

LEGISLATING FOR A DEPENDENT RACE

Unique Position of the Indians—How Congress Approaches Its Task—Some Amusing Errors—Perils Which Beset a Legislative Programme—The Chronic Improver—How the Few Sometimes Overcome the Many—Things Left Undone, and the Consequences—Pruning Ancient Abuses—Insignificance of a Bill without Backing—The Congressional Document—Good Nature and Duty—Damage a Lobby Graft May Do.

THE Indians are the only race of people distinctively mentioned in the Constitution of the United States. They are the only race living on this continent who have a body of statutes all to themselves, and appropriations for their benefit voted by Congress in a separate annual budget. These facts differentiate them from other non-Caucasians, like the Negroes, for instance, whose existence is but vaguely recognized in the organic law; or the Chinese, who are excluded as immigrants and made ineligible for citizenship; and from all the stranger peoples taken over as human prize after the war with Spain, none of whom inhabit our continent. Two committees of Congress handle the Indian budget, and consider and report upon bills affecting the administration of Indian affairs at large. There are other committees whose jurisdiction covers special interests, like Indian Depredations and the

Five Civilized Tribes; but these never encroach upon the domain of general Indian legislation.

Making laws exclusively for one race, wholly helpless and dependent, is no light task. For its proper performance, every man who takes a conspicuous part in it ought to have gone through a preliminary training in the Indian field itself, meeting the people, both red and white, face to face, looking into their local difficulties, tracing out the sources of their frequent misunderstandings, studying social conditions among the tribes, and trying to ascertain and understand the Indians' point of view on all the larger questions liable to arise in the course of solving their problem. He also ought to master the main features of the Government's policy, to know pretty thoroughly the machinery which the Department is using in its effort to carry this out, and to have at least a speaking acquaintance with the statutes and judicial decisions with which the path of progress thus far has been posted and lined.

To say that such an equipment for the work is still an unrealized ideal is no derogation of the intelligence or the earnestness of the leaders in Indian legislation. Let the public disabuse its mind of the fallacy that Congress is simply contemptuous of the Indian's rights and of the agencies which make for his civilization. True, it is tired of the Indian problem, and the selfishness of a single Senator or Representative obtrudes itself unpleasantly now and then; but speaking broadly, no body of men responds with more alacrity to those demands of benevolence which are within their comprehension than the federal lawmakers. Their

worst fault is the negative one of lack of information and indisposition to delve into the deeper meanings of things. Busy men, drawn from various civil walks in which they have had to struggle so constantly for a livelihood that they have had scant time to investigate subjects which bear no promise of profit, they are gathered at Washington and assigned to committee work by a sort of rule-of-thumb. Reports from the heads of executive Departments and Bureaus are laid before them with every message from the President; but these are usually long, and too heavily laden with statistics to be stimulating reading; and unless some member is directly spurred by his constituents to concern himself with a particular measure, or unless a Secretary or a Commissioner, after launching his new ideas, pushes them with diplomatic persistence, years are liable to go by without showing any improvement of old conditions.

This is not because the will to accomplish something is wanting, but because every member of either chamber is so burdened with work of a hundred different kinds that he cannot of his own initiative concentrate his thought upon one topic. It is pleasant to be able to say, however, that since the policy of shrinkage was set in motion, and the Indian Office undertook in earnest to put itself gradually out of existence, it has found, in the main, a willing assistant in Congress. More care has been exercised there in the choice of men for the House and Senate committees, whose organization is at the present writing far stronger in progressive material than it has been at any previous

period. How much needed to be done may be guessed from two incidents which occurred early in my official term, apparently trifling in themselves but significant.

One of the committees summoned me before them, to announce that they had just voted to insert in the next annual appropriation bill a provision—as nearly as I can now recall the wording—"that on and after June 30, 1907, the United States Indian School at Hampton, Virginia, shall cease to exist, and the Secretary of the Interior shall proceed at once thereafter to wind up its affairs, and deposit the balance, if any, in the Treasury of the United States." Asked for my criticism, I followed the lines of Commodore Vanderbilt's advice to young speculators: "Don't sell what you haven't got." The whole committee sat back in their chairs and stared in surprise. "Gentlemen," I explained, "there is no such thing as a United States Indian School at Hampton, Virginia, and the Government has no more right to wind up the affairs of Hampton Institute than to wind up yours or mine."

"The Government does not own Hampton Institute?" ejaculated one member. "When, pray, did we dispose of it, and to whom?"

"The Government never owned it."

"Who does, then?"

"A private benevolent organization."

"But we support it?"

"We do not. It is supported by individual contributions."

The astonished member reached for a copy of the Indian budget.

"I can show you by this," he said, with great confidence, "that we vote a fund, every year, for the support of Hampton."

"On the contrary," I answered, "you will see that you vote a certain sum to pay for the care and education, under contract, of one hundred and twenty Indian pupils. The Government does not have to enter into contract with schools which it owns."

There was not a man in the room who did not express equal surprise at my statement; yet this committee had been voting, year after year, the same grant for the same purpose, and standing sponsor for it in a formal report, without grasping its real purport.

The other incident was quite as serious on its tell-tale side. I met at dinner socially one evening a prominent member of a sub-committee on appropriations, who, after manifesting a lively interest in certain features of my work, suddenly inquired: "In your opinion, is the educated young Indian worth more than the educated young white man?" Adding, in response to my puzzled look: "He costs a good deal more."

"I suppose you mean," I answered, "that as the young Indian receives food and clothing and housing and medical care along with his tuition, the total draft on the tax-payers is heavier than for the mere tuition which they give gratuitously to white students."

"No," said the Congressman, "I mean that, balancing item against item, it costs more to educate an Indian than to educate a white boy. I know of many a young man who has supported himself and gone through school and college on \$250 or \$300 a year,

whereas it costs you \$1,700 a year to put an Indian through. Now, how long is your school course?"

"Five years is commonly the unit, but the pupil is not always limited to that period."

"Well, there is \$8,500 for giving one of those young fellows his start; and what have you to show for it?"

I did what I could to convince him of his error, but he rebuked me with a reminder that he had been studying Indian appropriations regularly for all the years that they had passed under his official scrutiny. He added that one or two of his committee colleagues had been going over with him the figures in my latest report, footing up the expenditures for Indian boarding-schools in one year and dividing the total sum by the number of pupils in these schools, which gave a quotient of \$1,700 a year as the cost per pupil. We were interrupted at this point, but the next morning I renewed the conversation by telephone, reading from the current appropriation act the standing clause which required me to keep the yearly cost of education and maintenance of our Indian pupils down to \$167 apiece, except when some vital emergency necessitated a somewhat larger expenditure. Repairs and improvements on a high-priced school plant here or there, I explained, might cause a fractional addition to the cost, but, even on a generous estimate, that would hardly swell the net per capita rate above \$200. He greeted this exposition with a low whistle of incredulity, and presently excused himself to lay my statement before his two associates. The same afternoon he sent me a half humorous apology, saying that the trio had

discovered their error, which consisted in accidentally placing their decimal point one figure too far to the right!

When it is remembered that all laws and appropriations are passed by the votes, or the silent consent, of more than five hundred members of the two houses of Congress, that probably not one-fifth of these know anything at all about Indians, and that, of this small group, it is doubtful whether a dozen know anything of tribes outside of the borders of their own States respectively, it argues pretty well for the industry and interest of a few men that we obtain any Indian legislation of real value. To the credit of a majority of those who vote on such measures it should be said that they make no pretensions to understand the subject, but are ready to accept the best information they can get from persons who are intimate with it. The ablest men in Congress I have always found frankest in admitting their unfamiliarity with the details of Indian business. The bane of every executive officer's existence is the lawmaker who knows nothing, does not attend his committee meetings with any regularity or pay much attention when there, but waits till a crisis when every hour saved is of the utmost importance, and then blockades a piece of legislation—only to confess, a few days later, that if he had known at first what he has since learned he would not have opposed it. I have heard one man of this stamp, with such a reputation among his colleagues for bad temper that they would always yield a point rather than make themselves targets for his abuse, object every year to

some permanent item in the budget, and become angry when shown that the same item had passed Congress after Congress, with his approval, ever since he had been a member.

Another trouble-maker is the gentleman with a mania for "improving" everything. The Department, let us say, has prepared a bill with the utmost care, procuring expert advice from the best lawyers in the Government as to the wording which will convey the exact shade of meaning required, and making diligent comparison with all prior legislation on the subject so that there may be no inconsistencies on the one hand or perilous redundancies on the other. It sends this thoroughly matured product to Congress, where it is introduced and referred to the appropriate committees. Then the chronic improver sharpens his little gouge and goes to work. He would prefer "will" to "shall" in one place, "but" to "and" in another, "not" and "or" to "either" and "neither" in a third. The other members, anxious to waste the least possible time in controversy, agree informally to adopt his suggestions, and on his motion the matter goes over for further consideration. At the next meeting he does not appear, and in its amended form the measure is tentatively adopted by the members present. A week later, after it has passed out of everybody's mind except his, he calls it up for reconsideration, and, himself forgetting what amendments he recommended, proposes to change most of his phraseology back to the original form or some other, with the addition of a few fresh "improvements." This

sort of thing goes on until, after weeks of fruitless delay, the patchwork bill is reported out of committee. When it comes up for passage in the open chamber, perhaps some member who has been primed for the purpose by the Department offers a number of amendments which bring it back into something near the shape in which it first was sent to the Capitol, and in this form it is passed.

The wanton improver becomes especially obnoxious when a bill has passed one house and entered the other before falling under his observation; for any change made in it then means its return to the house in which it originated and its repassage there in its amended form, or else its submission to a joint committee of conference, where, if business happens to be congested and the members are tired out, it is liable to some untoward accident or may fail altogether. No one who sets a bill afloat objects to its amendment if the amending clauses make its purport any plainer or clear the path for its attainment of the end it is seeking; but the chances are against this. Indeed, it is with a pre-
vision of what the improving genius may attempt to do, that sometimes a bill is introduced in a very different form from that in which its author wishes it enacted into law. Then one or two members who are in secret league with the author, seeing that the meddler is becoming restless, suggest to him privately that he offer such and such amendments. This satisfies his craving, and insures the passage of the bill in proper shape to meet the needs which called it into being. More than one executive officer has resorted to this process

as a means of saving an important measure from fatal distortion at the hands of the habitual busybody.

Not seldom a really conscientious effort to improve a bill causes a bad blunder through mere unfamiliarity with its subject. Such a mishap befell the Burke act in its progress through the House of Representatives. It had been skilfully drawn, well considered in committee and ably handled on the floor; but a member who feared lest it might contain something which would conflict with the existing laws affecting the Five Civilized Tribes, proposed an amendment excepting from its operation "the Indians of the Indian Territory." Although the House had been legislating on Indian Territory affairs for so many years, neither the proposer of the amendment nor any other member present seems to have been aware that there were any Indians in the Territory besides the Five Civilized Tribes; so the amendment went through without opposition. Yet in the Territory as then constituted was the Quapaw agency, under which are assembled fragments of several minor tribes, including some of the most intelligent and progressive of our Indians. And all those men and women were thereafter excluded from a highly beneficent law, and kept in the status of the most backward allotted tribes, because no Representative in the room when the amendment was passed knew that it ought to read "Five Civilized Tribes" instead of "Indian Territory."

One standing curse of Indian legislation is the postponement of final action on the annual budget till the closing days of a session. The better men in both

chambers would willingly change this custom, which had its origin in the era when the Indian appropriation bill was treated as a dumping-ground for every unworthy job which could not be worked anywhere else. If a political henchman was to be rewarded, and none of the other budget bills afforded a means of taking care of him, he was permitted to become an "attorney" for some Indian tribe, and his fees were appropriated in the Indian bill; or if there had been a deadlock between the two houses on any question, and only a few votes were needed in one or the other to break it, those votes could occasionally be procured by wedging something into the Indian bill at the last moment for the gratification of wavering members who had Indians in their bailiwicks. In order to accomplish such ends it was necessary to hold back the omnium-gatherum measure till there remained bare time to jam it through and rush it to the President's desk before the final fall of the gavel. In the universal hurry, a bill thus held back might be signed with slight examination if it did not bear too gross a label on its face.

A case which brought the evils of this practice forcibly to public notice occurred on the 4th of March, 1897, when President Cleveland was warned that a tricky paragraph had got into the pending Indian appropriation bill, favoring a certain private mining scheme on a remote reservation. He refused therefore to sign the bill, and it died with the Congress and the administration. President McKinley was equally impressed with the viciousness of the job, and the bill

passed at the special session omitted all mention of it. Another illustrative instance came to light in 1905, when a clause crept into the Indian budget in the middle of the night preceding the close of the short session, and the bill was signed without discovering it. It involved so outrageous a wrong to a small group of Indian allottees that I felt certain that the honest men in Congress had not known what they were doing when they suffered it to be enacted, so I resolved to disregard the law and take the consequences.

Having done this, I seized my first opportunity after Congress met the next winter to make a clean breast of my recusancy. Only one member who heard my statements was willing to undertake the official championship of the clause; and he read me a snarling lecture on my duty to go ahead and execute the laws which Congress passed without proffering my unsolicited opinions as to whether they were wise or unwise, right or wrong. As no one else was familiar enough with the situation to face his notorious mud batteries, there was no movement to repeal the vicious clause; but I am informed that up to this day its authors have not yet realized their full expected profits from the job.

As I have said in another place, every Indian measure introduced in Congress, if it will bear exposure to the full light of day, is referred to the Department for report and recommendation before it is acted upon. If one is crowded through without such reference, you cannot go amiss in looking for a bad or a weak spot in it somewhere. So safe a maxim is this, that members

who make no pretence of familiarity with Indian affairs rarely fail, before voting for the consideration of a bill, to inquire whether the Department has recommended it. These men are trying to do as nearly right as they can. Without conceding omniscience to the Department, they understand that it has better facilities for looking into the merits of a measure affecting Indians than are possessed by any other body in the Government, not excepting Congress; that it also has time to move carefully in such cases; and that its conclusions are bound to be conservative, because it is directly responsible to the President, to Congress and to the people for safeguarding the interests confided to its keeping. Congress is not compelled, of course, to do what the Department recommends. It is as free an agent after such recommendation as before; the only difference is that, if it prefers to ignore the advice of the Department, it must shoulder the consequences, and nine times out of ten the consequences are bad.

By way of illustration, take the case of the Kickapoos whose restrictions as to alienating their lands were removed at one sweeping stroke in the spring of 1906. The amendment to the Indian budget which provided for the removal was never submitted to the Department, but, on learning what was afoot, I put in personally as strong a protest as I knew how to make, pointing out the dangers to be apprehended from the proposed legislation. As the enemy was in the saddle, this warning was contemptuously disregarded. Only a few months elapsed, however, before

the evils I had apprehended came to pass, and in such a flood that an investigation was ordered by a special committee of the Senate; and at its close no voice was raised more loudly in horror at the developments, than that of the very man who had opened the way for the whole catastrophe by pushing through his objectionable legislation.

A serious shortcoming in the work of Congress is its omission to supply means for accomplishing some of the ends sought by its legislation. For example, it clothes the Commissioner of Indian Affairs with general authority to preserve good order on the reservations, but with no specific powers for enforcing that authority. If a group of unruly Indians prey upon the peaceful members of their tribe or otherwise habitually live in outlawry, his only distinctly sanctioned resort is to the courts, which in the frontier country take little interest in offences which do not affect white persons. He is required to see that all Indian children receive the rudiments of an education; but when he lays down rules to supply the lack of a more definite compulsory school law, the Indians can disobey them with impunity. All this is the old story of demanding a tale of bricks without straw. What is the result? If the Commissioner pauses to hunt up page and line of a statutory warrant for his every action, he abstains from action altogether, because the affirmative sanction is not there; and then Congress joins with the public in censuring his inactivity. If, on the other hand, he attempts to carry out his broad instructions, the first case in which any one is made to suffer in body,

mind or estate, becomes the subject of violent condemnation from the uninformed but tender-hearted multitude; and Congress, ignoring its own accountability for such conditions, encourages the outcry by its silence, at least. This is both unjust and demoralizing.

In times now happily long agone, there were individual members of Congress who used to trade upon their power to injure a Commissioner, and try to bully him into compliance with their wishes. I witnessed one such scene during the administration of Commissioner Morgan. An item of appropriation was pending, increasing the Commissioner's salary by one thousand dollars; and what I saw was the descent upon the Indian Office of a burly Senator from one of the prairie States, who pulled up his sleeves in pugilistic fashion, shook his fist in the Commissioner's face, and declared amid a volley of oaths that unless a certain thing were done for him the increase of salary should never pass the Senate. No one who knew General Morgan need be told that he met this assault with dignity and composure, and that it produced no change in his plans; but the fact that the Senate could have tolerated as a member a creature who would resort to such methods, was significant of the spirit of that period.

We hear, even yet, "the courtesy of the Senate" cited to excuse things which might better not exist. For example, it is the unwritten law that any Senator who is a member of the Indian Affairs committee may have practically whatever he asks for in his own State,

if within the power of the committee to grant. Thus it sometimes happens that a dubious item finds its way into an Indian bill while it is in committee, and is reported to the Senate with the rest. Even the members of the committee who have consented to the inclusion of the item may have nothing to say in its defense beyond the unadorned explanation that "Senator Blank wished that amendment added, and of course we put it on." It does not follow, by any means, that the amendment will ever become law: for, after the committee has reported favorably on it, it must still pass the Senate; and if it succeeds there it must go, with the other Senate amendments, to the joint conference committee, and be reported thence and passed by the House of Representatives. So if it contains anything extraordinarily vicious it is liable to be halted somewhere while running the gauntlet of repeated consideration, and the blame or praise for its ultimate fate must be shared by a good many persons.

A peril encountered by all proposed legislation, but by Indian measures conspicuously because of the widespread lack of information on the questions involved, lies in the constitutional privilege of irresponsible speech on the floor of both chambers of Congress. No Senator or Representative may be called to account in any other place for words he has uttered in debate. The result is that, again and again, important legislation has been defeated, or undesirable legislation advanced, on the strength of statements made with all the outward assurance of inspired prophecy by some speaker who had not the remotest idea of what he was

talking about. If an orator is forceful in his way of putting an argument, and no other member present at the time feels competent to lead the opposition, incalculable harm may be done through laying over a pressing matter till another session; for when this has occurred, even the member who afterward discovers that he has misled his colleagues rarely carries his repentance so far as to move a reconsideration and make belated amends.

At one time it was customary to load down the annual Indian appropriation bill with all sorts of administrative and constructive legislation, in contempt of the rules of procedure in both houses. In the House of Representatives there was a perennial antidote for this in the readiness of members to invoke a point of order against any undesired item while the bill was under consideration on the floor. The same matters were subject to a point of order also in the Senate, but the immemorial tradition of "courtesy" there made every one reluctant to use such a weapon. As a consequence, the bill as passed by the House of Representatives would be laden with whatever general legislation could survive the sifting process, leaving the Senate to pile the particularly noxious "riders" on top of the heap. The bad effect of all this will appear when it is remembered that the Indian establishment could not carry on its work without its appropriations, and hence that it lay in the power of any handful of bold parliamentarians, by conspiring to inject their pet schemes into the bill, to wreck the whole administration of Indian business if their opponents refused

compliance. To Senator Clapp of Minnesota, who became chairman of the Senate Committee on Indian Affairs in 1905, belongs the credit of making a successful stand against this abuse. One of his early acts was to undertake to strip the Indian budget of everything which did not legitimately belong there, and he worked unremittingly till it was possible to point to the Indian appropriation act of March 3, 1909, as substantially a model measure in that regard.

It is most unfortunate that the Constitution of the United States does not contain a provision similar to that contained in the constitution of the State of New York, authorizing the chief executive to veto parts of bills while approving the rest. In spite of all the energy put forth during the last few years to remedy faults of procedure and bring about other reforms in Congress, it still remains possible to force the hand of the President by compelling him to choose between vetoing an entire bill in order to get rid of one offensive feature, and approving the whole thing, to that extent becoming a partner in the iniquity. It is all very well for critics who have never themselves been confronted with such a crisis to say that he must, in good conscience, veto the bill and throw the responsibility where it belongs. Unhappily, the trouble does not end with this one decision. The chances are that the bill to be vetoed carries appropriations vital to the success of a highly meritorious or even essential programme in public affairs. To throw away the work of a whole year is itself no light matter; to convene Congress in extra session to pass legislation thus made necessary, not only causes

enormous expense and much trouble, but may result in getting nothing more desirable after all. So, if the moral questions involved are not too grave, and the money called for by the unwelcome provision comes out of the Treasury and not out of some helpless body like an Indian tribe, it is not to be charged against a President's high-mindedness that he weighs the good in one scale against the evil in the other, and lets his course be determined by the way the balance tips.

Congress puts most of its transactions, in embryo or accomplished, into print; but it is well not to be deceived by the important look of a paper from that source containing a proposal to perform miracles, or an assault upon the good name of a public servant. Thousands of worthy people have been hoodwinked into supposing that a bill introduced in Congress necessarily means a movement behind it. Bills are the cheapest things imaginable: the most insignificant citizen can get one introduced, regardless of its merits; and every bill, in the normal course of procedure, is printed and referred to a committee. In the committee-room, however, unless it can command some powerful influence to pry it out and carry it along the succeeding stages, it dies of inanition in a pigeonhole.

A bill proposing to do something which every well-informed person knows will never be done, is bad enough as an instrument for misleading the popular mind, but a yet more vicious trick may be played by a Senate or House "document," so styled because it has no legislative standing. Such a "document" may be an official answer to a resolution of inquiry, or a memo-

rial from this or that body of citizens, or a reprint from a magazine or newspaper which some interested party thinks ought to be more widely disseminated. To the modest reader at home, who looks upon everything governmental with more or less reverence, the name "Senate document" or "House document" carries with it an impression that the thing itself is of some consequence. Yet its history disposes promptly of any such conceit. A member presents it without reading, nobody pays any attention, and in the absence of objection it is sent to the Public Printer. The subject-matter may be worthless, or, worse still, vicious in intent. The person who initiates the publication may be the most untrustworthy of men. If so, the chances are that he has taken this course for the purpose of making the ignorant suppose that his paper has a Congressional endorsement, and in order to be able to send it through the mails without postage, under a member's frank. A Representative or Senator can always be found to introduce it, because under his Constitutional privilege he is irresponsible.

If no respectable member can be induced, on grounds of political favor or personal courtesy, to handle the business, some one of the opposite character may be willing to father it for other motives. If the paper has to do with Indians, particularly if it is a grandiloquent harangue about the protection of their rights against the tyranny of the executive, the reader will do well to inquire into the antecedents of the member who introduced it. He may turn out to be one who has been lining his own pockets by taking advantage of the ig-

norance of his red brethren, and who has sought this means of covering up his tracks, like the professional pickpocket who shouts "Stop thief!" louder than any of the honest men around him. Perhaps his motive is revenge against an honorable officer who has been trying to bring him to punishment for his nefarious practices. Perhaps he is one of the sort who can point to some Indian blood in his ancestry, and has been using that as a lure for his poor victims and for the deception of the public as to his interest in the Indian race.

Sometimes the recklessness with which unscrupulous or indifferent men will play with reputations in public life has more serious consequences than any one could foresee. A few years ago there appeared in a Senate document a mass of slanders aimed at one of the most excellent servants the Government has ever had. He was a retired officer of the regular army who, because a life full of dangers, exposure and hard work for his country had left him with an ailing body and a lean purse, had been glad to accept for a short term an Indian agency. He carried into his duties there the same fidelity, courage and energy which of old he had carried into battle; yet this document charged him with conspiracy to rob the Indians under him of lands and money, with cruelty to them in individual cases, and with several particularly contemptible frauds upon the Government. The President ordered a special investigation with the design, if the charges proved true, not only of disgracing him publicly by removal from his civil office, but of bringing him before a court-martial which would drum him out of the army.

The inquiry, which consumed some months, ended in a complete triumph for the accused officer. The falsehood and malignity of the charges were proved from the mouths of the witnesses for the prosecution and from public records accessible to everybody, without calling a single witness for the defence. In the meantime a good man's heart was nearly broken, and he suffered a stroke of paralysis from the sheer suffering he had undergone at the thought that all his long career of upright living and devoted service had not shielded him against such an indignity at its close. Nevertheless, the authors of the criminal assault upon an honored name, the introducer of the document containing it, and the inattentive lawmakers who let it go forth with the hallmark of their chamber on it, have undergone no punishment.

It was not so very long ago that the newspapers were ringing with the name of Crazy Snake, a Creek agitator, and printing columns of despatches describing an "outbreak" among the most besotted Indian and Negro elements in Oklahoma. Fortunately the upheaval was soon suppressed, and the dire predictions of the sensational writers failed of fulfilment beyond a little skirmishing and the destruction of a comparatively small amount of property. But what the trouble, once well started, might have run into, was obvious from what did occur; and all this was made possible by the willingness of certain members of Congress—probably out of good nature—to let themselves be used by a professional mischief-maker as nominal sponsors for legislative bills which he fur-

nished. An investigation by the Secretary of the Interior showed that by this means a group of recalcitrants in the old Indian Territory, led by Crazy Snake, had for years been deluded with the expectation that Congress would presently repeal all the statutes it had enacted during our generation for the reorganization of the Territory, throwing back into communal ownership the lands already allotted, forbidding all further interference in the affairs of the Indians by the Government of the United States, and leaving the local tribes to return to the way their fathers had lived before the white men came among them. Under this hallucination, the poor dupes had contributed from their scanty means to raise the sum necessary to pay for supposed lobby work in Washington. Measured in dollars and cents, the fraud might take a secondary rank in the scale of crime; but what a price to pay, what a hazard to invite, in order that some Congressman might "do a good turn" for a friend!

In what has been said in this chapter I would not be understood as making any sweeping criticism of Congress at large. Every such body is hampered in its work by customs and precedents from whose thraldom it is hard to escape; every one, no matter how creditable its average of character, has individual members whose presence in it adds nothing to the glory of the rest; and all legislation is, and must be, largely the fruit of compromise. During my own period of constant contact with the Indian committees of the two houses I was more and more impressed with the intelligence and right feeling prevailing among them. It is wholly in kind-

ness, therefore, that I have tried to point out some of the reasons why a greater advance has not been made in legislation to assure the complete and early solution of the Indian problem. Indeed, in view of the complex nature of the subject, of the extreme sparseness of popular information on it, of the lack of interest taken by most of our lawmakers in social philosophy as distinguished from politics and economic science, and of sundry deeply entrenched traditions and unfortunate methods of legislation, the real wonder is not that we have got along no further, but that we have made as much progress as we have.

CHAPTER XII

LIBERTY AND DISCIPLINE

Origin of the Agency Pass—Some of Its Grim Humors—Freedom of the Indian to Go and Come—The Disciplinary Lessons of Cause and Effect—Medicine Men and Their Pretensions—Methods of Controlling Them—The Force of Ridicule—Tackling the Intemperance Problem—War-like Threats and Incendiарism—Courts of Indian Offences—Putting Culprits upon Their Honor—An Historic Incident in Point.

In the early days of the reservation system, the Agent was for all practical purposes an unqualified despot. Like the captain of a ship on the high seas, he was in command of a company of human beings mostly ignorant and irresponsible; in charge of a large quantity of his employer's property; isolated from the rest of mankind, and remote from any place where justice could be regularly administered. Such white persons as had penetrated the wild Western country, though of the venturesome pioneer class and contemptuous of ordinary hardships, were always apprehensive of trouble from Indian treachery and cruelty; so that, whenever a roving band of red men appeared anywhere near them, they would gather up their few portable belongings and start for some prearranged assembling point, usually an army post if one were within reach. Even

a solitary Indian at large was regarded as more or less of a menace; and as little hamlets sprang up here and there, it was customary to demand of any Indian who entered them some proof that he had a right to be wandering about thus freely.

From this universal precautionary practice, as well as from the use the officers of a fort would sometimes make of Indian messengers, grew up the custom of issuing a pass or permit to an Indian who was about to travel on any lawful errand. The paper would describe the bearer; state his destination, his reason for making the journey, and the dates between which he was expected to go and return; assure every one that he was worthy of confidence; bespeak for him kind treatment and assistance from any white persons he might meet on the way, and perhaps conclude with a warning against giving him any intoxicating drink.

Besides the Indians to whom passes could properly be issued, a great many who had no conceivable claim to consideration would regularly put in their applications. Being illiterate, but holding in awe any paper with a white man's handwriting on it, these fellows were content with whatever they received; and occasionally a Government officer would indulge a grim humor in the document which he prepared for the purpose of getting rid of a nuisance. As a result, every Inspector in the Indian Service who has made tours of the reservations has been approached by some Indian, unattractive in appearance but wearing a self-satisfied smirk, who has handed him, with abundant ceremoni-

ousness, an ancient and well-soiled sheet of paper containing some such inscription as this:

BALLYHO INDIAN AGENCY, NEVADA, *June 31, 1869.*

TO WHOM IT MAY CONCERN

The bearer of this paper is a Ballyho Indian named Ah-wo-ke or High Feather, commonly known as Lazy Jake. He is without exception the worst fraud and petty scoundrel it has ever been my misfortune to meet. He is a chronic liar, a persistent beggar, and will carry off anything he can lay his hands on. Every one who does not wish to be saddled with an incorrigible humbug is hereby admonished to give Jake the widest possible berth.

SMITH ROBINSON,
2d Lieutenant, 75th Cavalry,
Acting U. S. Indian Agent.

Or it might take this shorter form:

NOTICE

Lazy Jake, to whom this paper has been issued, is a thoroughly worthless and unreliable Ballyho Indian.

R. VAN WINKLE,
U. S. Indian Agent.

As the peaceable and trusty Indians, for their own protection, used always to ask for passes, and as the assumed necessity for such credentials served to deter the wanderings of an element who were merely restless without evil intent, the custom gradually crystallized till a majority of the frontier whites, both in and

out of the Government service, came to have a hazy notion that the law required the issue of a permit before an Indian might leave his reservation. Such a requirement was, indeed, a matter of Departmental regulation up to a pretty recent date, for when I became Commissioner I found in the Indian Office code, edition of 1904, a passage to this effect:

Agents are instructed to notify all nomadic Indians under their supervision that they will not be allowed to roam away from their reservations without any specific object in view, nor will they be allowed to trespass upon the public domain; but that they will be expected to remain within the limits of their reservation, and not to leave it except as hereinafter provided.

The practice of bands of Indians making or returning visits to other reservations is deemed injurious to the Indians, and must not be allowed; but where a few Indians, who have by meritorious conduct and attention to labor earned the extension of certain privileges or for satisfactory reasons desire to make short visits at seasons when it will not interfere with the necessary work at the agencies, Agents may allow them to make such visits, in their discretion, as a reward for their good conduct, provided the consent of the Agent of the tribe to be visited has previously been obtained, and that it will in no event be likely to prove disadvantageous to the Indian Service, and provided further that the consent of the Indian Office has been asked for and obtained. . . .

Whenever it shall be deemed either necessary or judicious to grant to Indians a permit of the character above mentioned, an escort of police should accompany them if desirable.

Agents will endeavor by every means in their power to impress upon the minds of their Indians the urgent necessity for a strict compliance with these instructions, and warn them that without this protection they are liable to be looked upon and treated as hostile Indians, subject to arrest and punishment.

At the first opportunity I made it known that this rule was to be ignored, as I should insist upon an Indian's right to go and come as freely as a white man, provided only that his conduct were inoffensive; but so firmly fixed in the mind of the Service was the permit idea that it took me at least two years to pry it out, and I am not sure that a remnant of it does not lurk there still.

At one time the tribes had got into a habit of sending large delegations to Washington to visit the Commissioner and talk with him about their affairs. As a rule, the subjects of these interviews were such as had been, or could be, thoroughly threshed out in correspondence, with the added advantage that what went into writing became part of the public record, and gave both Indians and Commissioner something definite to proceed upon later. As the interviews were oral, the accuracy of statement and understanding on both sides depended largely on the quality of the temporary interpreter; whereas, with a written document in their possession, the Indians could go to any one on their reservation who knew both tongues, and have as many assurances as they wished of what promises had actually been made to them. The visits had degenerated into junkets, which cost the tribal fund a sum of

money always well up in the hundreds and occasionally running over a thousand dollars, to say nothing of the temptations to misconduct to which the delegations would be exposed in even so well-ordered a city as Washington. Again, as the members of the party had usually obtained their appointments by an electioneering campaign in which they had boasted of what they could accomplish, they were apt on their return to take large liberties with the truth in describing the success of their interviews and pretending to recite the fine things the Commissioner had said to them; and then, when the facts came out, the bulk of the ignorant stay-at-homes would believe the stories of their travelled representatives, and set down the official contradiction as a fresh proof of the duplicity of the white man's government.

Scores of times under former administrations I had seen this comedy repeated, so I established a rule that when a tribe wished to send a delegation to Washington it must first submit by mail a schedule of the subjects to be discussed and the questions to be asked. If these were all obsolete or unimportant, or could be disposed of in a letter, the tribe was so informed, and told that the Department would not authorize a draft upon the tribal fund for the expenses of a delegation; that if it insisted upon sending one, the cost of the journey must be provided from other than public sources; and that the Agent would be held responsible for seeing that the delegates took with them ready cash enough to pay for their transportation both ways and for their board and lodging while in the

city. Now and then an application would come at a most inopportune season, as, for example, during the closing days of a session of Congress, when the officers of the Department were hardly finding time to eat and sleep; in that event the tribe would be notified that it had better postpone its request for the present, since it would be impossible for the Commissioner to hold "long talks" till the congestion of public business was over.

As a rule the Indians, though disappointed at the attitude of the authorities, accepted it very kindly. Almost invariably, however, when a party of delegates came to Washington at private cost, the oriental strain in their composition would reveal itself before they had finished their visit, in a petition that the Department would, after all, authorize them to draw upon the tribal fund for their expenses. Sometimes, too, a few Indians, thinking to escape a rebuff which they were conscious they deserved, would slip into Washington without warning to anybody, and turn up at the Indian Office with a request to be allowed to shake hands with the Commissioner. This request was always granted to reputable Indians, as it would be to reputable persons of any other race; but I could not do business with them as representatives of their tribe unless they brought satisfactory proofs that they had been regularly elected and commissioned to act as such. Without exception, I believe, Indians who came in this way have hung about the city in the vain hope that I would relent and pay their expenses; but the maintenance of one unvarying course in such matters has

bore fruit not only in a wonderful decrease in the number of foolish applications, but in a great improvement in the character of the delegates who do come to Washington, in the shortening of their sojourn, in more businesslike methods at their interviews, and in the better understanding of the results by the tribesmen who remain at home.

A tendency to abuse a worthy privilege became obvious at one time in the habit into which the Indians on certain reservations fell with their large religious gatherings. Several of the Christian denominations which sustained Indian missions in the Mississippi Valley had been accustomed to hold convocations or conferences somewhere in that region every year. These meetings were greatly enjoyed by the Indians who attended them, including not only the converts but the non-members who went simply to look on, and for whom the life of the big camp, the singing and the speaking, had strong attractions irrespective of any spiritual benefit. The only fault which could be found with such concourses was with their being held at various dates strung through a season when particular kinds of work were needed on the Indian farms to prepare them for the winter. A good many of the Indians would leave home for a week or ten days to attend a meeting, and then for another like period to attend one called by a different church, and so on, to the serious neglect of their industrial and domestic duties. I therefore took up this matter with the mission authorities, inquiring whether they could not agree among themselves upon a mutually convenient date for hold-

ing their Indian gatherings simultaneously, so that every Indian who had business at a convocation of his own denomination, or was attracted to one for any other reason, would have a chance to go, with the least practicable disturbance of his regular work on the reservation. I found the missionaries generally well disposed toward the idea; but even here I had to exercise the greatest caution in the phraseology of our correspondence with Agents and Superintendents, and lay uncommon stress upon such words as "advice" and "persuasion," lest some of our field men should gain an impression that I was requiring Indians to obtain permits before leaving their reservations to attend a meeting.

The dislike I have always entertained for compulsion, or arbitrary methods of any sort, except for the enforcement of order when other means have proved futile, has been fortified by my observation that the bulk of the Indians, however ignorant, or unsystematic, or indifferent to things which seem to us important, are well-meaning underneath it all. Like children, they can be managed most satisfactorily by following the line of least resistance and exercising plenty of patience and tact. A good general rule is to treat an Indian, as nearly as conditions permit, as you would treat a white man of the corresponding class. Unfortunately the machinery of justice is deficient in some important particulars on reservations under the jurisdiction of the United States Government; but it is possible sometimes to make adaptations which, though they may leave more or less to be

desired in the matter of technical regularity, suffice for the simple needs of the situation. For example, if an Indian who owns live stock idles away the growing season and fails to put up hay enough for winter feeding, the best punishment you can visit upon him is to buy hay from some of his thriftier neighbors, feed his stock so that they will not suffer, and hold the animals in pawn till he has redeemed them by paying costs. The densest Indian mind is quite capable of recognizing the relation of cause and effect here.

The same principle holds good in dealing with the practice of dancing in season and out, as explained in another place. So also with the medicine men, who among the Indians, as among other primitive peoples, combine the offices of religion and the healing art. The religion they represent is, of course, fetishism pure and simple. Obey them implicitly, keep them well supplied with ponies, saddles, blankets, ornaments, foods, or whatever else they demand, and their sorceries will bring you good luck; incur their ill-will by refusal, and they may condemn you to death or to some awful torment. Rise in active revolt against them, and it becomes a tug of war, the result depending on whether the original rebel can inspire more Indians to join him in his fight than the medicine men can frighten into subjection by threats of bewitchment.

Some of them are pretty fair jugglers. They can work over a patient who is suffering merely from indigestion, and draw out through his mouth the long, hideous snake which has been in his stomach all the time and caused his pain! To force the evil spirits out

of a woman delirious with fever, they will prod her body and beat the tomtom in her ears. They will blow pipe-smoke into the lungs of a moribund consumptive, lash him to the bare back of a pony, and drive the pony twelve times around a marked circle to the chanting of a select party of singers. If the sufferer survives the ordeal, they find in it one sign from the gods; if he dies under it, they find another; but in neither event does the divine message contain any reflection on the conscienceless fakirs who perpetrated the outrage.

So firm a hold have these fellows on the mass of a tribe that they become the most dangerous agitators when they find it to their interest to preach a religious and race war. Few effective ways of dislodging them have been discovered. One, to be used only in emergencies, is to beat them at their own game and put them out of commission by one blow, so sudden and so stunning that they are unable to gather themselves together for a renewal of the attack. Every administration has had to resort to this at one time or another. There is also a means which, though it involves no physical violence, invades that middle ground between technical law and primitive justice on which many good people are reluctant to tread. This is to arrest a medicine man wherever he can be caught, arraign him before a Court of Indian Offences so organized that at least two of the judges are courageous men pretty free from the sorcery superstition, convict him of practising medicine without a license, and impose upon him whatever fine the State laws prescribe—usually not less than \$100 or \$150. Demand that he pay cash,

which as a rule he is unable to do, or that he disgorge enough of his ill-gotten gains in ponies and blankets and the like to aggregate the amount of his fine. Or, better still, let him go to jail, and be taken out every day to work on the roads till he has earned the amount. All this should be done with enough ceremoniousness and publicity to convince the other Indians that the medicine man has none of the mystic powers to which he pretends, else he would free himself and strike his oppressors helpless with an incantation.

Turning an Indian mischief-maker's pretensions to ridicule is, indeed, a happy resort in a good many exigencies where no other device would work. Once when we were about to pay to a tribe in South Dakota the first instalment of money for some land they had sold, a few turbulent spirits among them tried to stir up trouble because we had established rules for the protection of the minor children of spendthrift parents. It was impossible to discover positively how far the disaffection had spread, but word was brought us that an agitator named Turning Bear had publicly declared that he would knock in the head the first Indian who accepted a dollar of the money till the Government had retreated from its position.

The morning for the payment arrived, and the stockade was crowded with red men, women and children. The pay table, in a ground-floor room with an outside door and two or three windows, was half covered with silver dollars, counted and stacked in advance to save time, and guarded by a few policemen. Door and windows were open, but fringed by tier above tier of

eager faces, for every one in the camp had heard of Turning Bear's threat and was anxious to be present at the crisis. Those of us who were in charge of the payment had just taken our seats at the table, when the crowd in front of the door parted, and into the room strode the insurgent leader clad in full regalia of feathered head-dress and brilliant blue blanket. His face was painted with yellow, red and black stripes, and under his blanket, which was drawn in tight at the waist, could be discerned the outlines of the hatchet stuck in his belt. He halted a moment, evidently in expectation that he would be ordered out, which would doubtless have furnished him a text for an impassioned speech to the multitude in denunciation of the white man's tyranny. His face betrayed his disappointment when, instead of being insulted, he was invited to have a seat. Glowering about him, his eye rested on a pile of dry-goods boxes a little to the rear of the pay table, and he climbed to the top of this, whence he could survey the curious crowd outside and be seen by them.

If he had been surprised before, imagine his state of mind when, instead of calling the names of the Indians in their regular order on the tribal roll, we skipped to the middle and called Turning Bear's first. It was a crucial moment, and he hesitated. Every eye at the door and windows was fixed on him. Ostensibly on the assumption that he had not heard the first summons, his name was called again. The crowd, quick as a flash to grasp his embarrassment, began to titter audibly. That half-minute of indecision had been fatal. He realized that the spell of his fulmination was

already broken, and, with a look of deadly hate but an air of complete humiliation, he slowly descended from his perch and slouched up to the table. Clutching with one hand the twenty dollars counted into his palm, he touched with the other the pen held out to him by the clerk who had just written his name around his cross-mark. His exit was sidewise, with his body on a slant, and the dense mass of Indians who had meekly made way for his strutting entrance now yielded barely enough to enable him to worm his way out. A wave of jests and gibes followed him, and he disappeared through an aperture in the stockade, his influence utterly crushed.

The two varieties of evil-doers among the rank and file of the Indians who give the Government the most trouble are the habitual drunkards and those who resist every effort to educate their children. It would be entirely practicable to deal with the opponents of the schools by direct legislation, in the form of compulsory education and truancy laws; for we can put the children into schools and keep them there by mere physical coercion, and the punishment of the parents might come in as a secondary but salutary aid to enforcement. But with the liquor evil it is different. We can heap prohibitory law upon prohibitory law till we have a pile as high as the tree-tops, and still every Indian will continue free to drink as often as he pleases, and to become as drunk as circumstances will permit. The most we can do in the case of sots is to make the laws for the punishment of their offences drastic and disagreeable, and then execute every law to the letter.

There is one course, however, which can be applied to Indian allottees without further federal legislation, provided the State or Territorial statutes furnish the necessary machinery, and the local authorities are willing to co-operate in an undertaking which will cost the taxpayers nothing.

If an Indian who is an habitual drunkard has an allotment still under the Government trust, it would be within the province of the Department to bring him before the proper county officers and have him committed to an asylum, or a reformatory, or whatever institution is used for the confinement of habitual drunkards of other races, with the understanding that the Government should lease his land for his account, but over his head, and apply the proceeds to pay for his care and treatment. Or, after he has been adjudged unfit to remain at large, it might sell his land for him under the non-competent act, place the money at interest, and use the income from it for his support while in durance. In the last years of my administration I opened negotiations with county officers in various parts of the West, with a view to making a few experiments in the line indicated. I found a general willingness to assist; but the plan was blocked by technicalities in the local laws, which in one case so limited the period of confinement for a drunkard as to put it out of the question to do anything toward his permanent reformation, in another defined habitual drunkenness so loosely that no well-balanced court would commit an Indian under it, and so on. In some of the States containing allotted Indians there was no re-

formatory or other place for locking up dipsomaniacs except the common penitentiary. Not a few public men took a marked interest in the project, and I doubt not that, if it were pressed through the right channel, means would be found for an experimental test.

Also I threw into the legislative hopper at one time a bill to authorize the issue of a patent in fee to an Indian allottee who persisted, after due warning, in habitual law-breaking. As drafted for introduction, it was purposely left in somewhat crude shape with a view to provoking comment and inviting amendment in certain particulars. The object of the measure was twofold: first, to take the persistent lawbreaker out of a protected class and place him where he would be dealt with just like other persons who had acquired the same habit. As long as the Indian remains a ward even to the extent of having a trustee to look after his property interests, he depends on the Government to interpose its big shield between him and the consequences of his deliberate misconduct; and I am sorry to say that the Government has yielded to this unwholesome appeal for so many years that it is now like moving mountains to make a change in its settled practice. Withdraw his adventitious protection, and the Indian is put upon precisely the same footing before the law as everybody else.

Again, it is useless to look to the authorities of the vicinage to do anything with an Indian allottee, or for him, in the way of discipline, if, though a land-owner, he is not a taxpayer and thus a sharer of the community's burdens. Take away this unique distinc-

tion, make the Indian's land pay its tribute with the rest, and its owner becomes not only entitled to the rights and privileges of full citizenship, but amenable to the laws, with no technical or sentimental excuses to intervene.

The bill was widely circulated, and some of the criticisms it drew forth were amusing to any one who knows Indians and has no ends to serve except the welfare of their race. It was assumed, for instance, that such legislation would drive the allottees generally into crime, because, forsooth, they are all so eager for patents in fee! The truth is the precise opposite of this. There is nothing from which Indians as a rule flee so incontinently as the prospect of being "turned loose." For one thing, the idea of having to pay taxes appals them; they realize that from the moment of their emancipation they will have to stand on their own feet and fight their own battles with the world, and of that change most of them live in positive dread. From a very careful consideration of the whole question, including frank and confidential talks with some of the wisest leaders of their race, I long ago reached the conclusion that such a plan as I have suggested would have to be put into force only once or twice in any tribe in order to bring the rest of the lawbreakers to a full stop. So far from operating as a premium on misconduct, it would prove the most powerful sort of a deterrent as soon as the Indians generally saw what was bound to happen.

It is unfortunate that, owing to the absence of any special facilities for handling crises in Indian affairs,

it is so often necessary to resort to a mere contest of threats in order to control a situation. Yet this is sometimes all that is left to the officers responsible. In the later nineties a certain band of Indians in the Northwest, discovering that they had been made the victims of political trickery and badly robbed, revolted. Troops were called out, shots were exchanged, and, though the matter was settled by negotiation before much blood had been spilled, it looked very serious for a while. Public sentiment was aroused on behalf of the ill-treated Indians, who thus found themselves suddenly converted from lawless rioters into heroes. The discovery had a bad effect upon them, since they were not advanced enough in civilization to draw nice distinctions between violence as a last resort against unbearable oppression and violence as a mere means of getting what they wanted.

Some years later, having been furnished by the Government with seed for their farms, and eaten it to avoid the labor of planting, they found themselves facing the prospect of a hard winter with very little food in their huts. In vain their Agent reminded them that they had played false with the Government and forfeited its generosity; they insisted that Washington must now feed them, and some of their most tempestuous leaders went to the point of sending me a message that, unless I provided them with rations, they would go upon the warpath again. My answer was immediate, and, though calm in tone, just as candid in terms as their message. I warned them that they would not have the satisfaction of going to war with the Govern-

ment, because the Government would not recognize them as warriors or send soldiers into their country except for the purpose of supporting the sheriff and his posse; but that every Indian who killed an innocent person would be taken in hand by the civil authorities, tried in a court like any common criminal, and, if convicted, marched to an ordinary scaffold in the seclusion of a jail yard and hanged. I reminded them that there was no glory to be gained in that sort of thing; that there would be no riding amuck, no firing of rifles, no tortures, no dances, no paint and feathers, no death-chants, no picturesque ceremonial or publicity of any kind, but a sordid and commonplace process of putting to death a man who had shown himself, like a mad dog or a wolf, unsafe to leave alive. It was not a pleasant response to prepare, but it worked like a charm: from that day no more was heard about war-paths, and the restless band managed to get through the next winter as other Indians did, without reaching for their guns.

Another disorder to which I had to apply a dramatic remedy was that of incendiarism in the schools, which had become intolerable in its frequency. A few unruly children, angry perhaps at a scolding they had received, would seek revenge by setting something afire. In one case where the pupils wished to attend a festivity at home but were denied the privilege because it occurred in term time, they undertook to bring on a vacation prematurely by burning the school. Remonstrances, explanations of the perils as well as the wickedness of such actions, and even the ordinary

penalties which lay within the power of the teachers to impose, were alike powerless to break up this wanton fancy for the firebrand as a panacea. So I watched for an opportunity to try a larger disciplinary measure. It came when three of the oldest girls in one of our schools, smarting under some restriction, plotted to burn down the principal dormitory. They succeeded, and by rare good fortune there was no loss of life. It did not take us long to find out who were the culprits, and the principal one confessed, under close examination, the whole dreadful story.

Accordingly, as the offender had attained years of discretion, the Superintendent was instructed to bring the matter to the attention of the United States District Attorney and press for an indictment for arson. At the same time I took counsel with the President, to make sure that the prosecuting machinery would not be allowed to rest. An indictment was found, the girl was convicted on her own testimony and condemned to imprisonment for life, narrowly escaping the death sentence. The whole incident occurred in one of the States of the Middle West, the home of active newspapers, and was therefore extensively advertised; but to make assurance double sure I took pains to circulate the news with great detail throughout the School Service, so that no one could repeat the offence without fully appreciating its possible consequences. When we had given the girl a fair taste of what the law meant, the President, as originally agreed between us, commuted her sentence to a term in a reformatory. The lesson evidently sank into the hearts

of our pupils all over the Indian country, for the riot of incendiarism ceased from that day.

With the purpose of giving the local Agents some sort of judicial machinery through which to punish misconduct of trifling importance, the Department in 1883 established a system of petty tribunals called Courts of Indian Offences. No clear definition of their jurisdiction exists anywhere, as far as I know, nor any complete list of the penalties applicable to various forms of misdemeanor. In a word, they are the kind of courts we find sometimes maintained among whites by the tacit consent of a popular majority in a mining camp or a logging district far removed from civilization, where nobody knows just what the law is on any subject, but where every one recognizes the necessity for some fixed centre of authority as a refuge from anarchy. The three judges who constitute a Court of Indian Offences are chosen usually from among the older and more staid men of the tribe, given a trifling compensation and a badge of office, and expected to hold their open sessions at stated intervals in a room provided at the agency. For the most part they dispense a crude quality of justice in cases of drunkenness and theft, conjugal quarrels, and the like. Their judgments are of course always subject to review by the Agent, and any aggrieved party can, by finding an attorney versed in technical devices, carry his case before an outside court with a legal standing and ignore the reservation court.

In my travels through the Indian country in earlier years, I had heard so much said both for and against

the Courts of Indian Offences that on taking charge of the Service I issued a circular asking all Agents and Superintendents to express their opinions whether it was worth while to keep up such judicial forms which covered no enforceable powers. The majority favorable to the continuance of the courts was so overwhelming that I did not disturb them. The general verdict seemed to be that among a people as impressionable as the Indians, even the empty insignia of authority exercised a salutary moral influence.

Doubtless the judges who preside over the Courts of Indian Offences are liable to be biased sometimes by considerations not properly entering into the merits of the cases before them; but they are not nearly so susceptible to money temptations as to those which flow from ties of kindred or tribal politics. It is therefore wise to select judges from opposing factions and rival families. If the internal dissensions happen to be on lines of three, this feature of the business is simple, but when there are only two hostile camps it occasionally leads to odd results. A certain judge who had been particularly severe in his treatment of drunkards was one day himself led astray by convivial companions. As the other two judges belonged to a rival faction, they were keen to purge their bench of disgrace; so they ordered their colleague before them, heard the evidence, found him guilty and sentenced him to a whipping, as that was the penalty he had always insisted on imposing upon other drinkers. But as ordinary Indians received ten lashes, they felt that he,

being a judge, deserved more, and accordingly condemned him to twenty!

A Superintendent on the Pacific Coast told me once of a judge at his agency whose favoritism had become notorious. He was widely related in his tribe, and, though he would be very vigorous in punishing any offending member of another family, he was deplorably lenient toward his own. One day the Superintendent called the court together and narrated with much solemnity the story of a magistrate who lived, many years before the Indians ever saw white people, in a place across the big waters called Rome. This judge was so uncompromisingly just that when his own son, whom he loved dearly, committed a grievous wrong, he sentenced the young man to death, just as he would have sentenced a stranger. That proof of his fidelity to truth and fairness impressed all the world who heard of it; and although the incident happened so long ago and so far away, even we Americans tell our children about it to this day, and teach them to revere the name of Brutus.

All three judges listened to the story with profound attention, but it seemed to strike with particular force the one at whom it was directly aimed. He went away silent and thoughtful. About a week later the Superintendent was attracted to the door of the agency office by a loud noise outside, and beheld there the former unjust magistrate alighting from a horse, and dragging down from behind him a poor wretch who was bound hand and foot and trembling with a perfect ague of terror. Gravely saluting the Superintendent,

the judge proffered him a big revolver, exclaiming, as he pointed with his other hand to the prisoner: "Dis my nephew—me ketch 'm dlunk—you shoot 'm!" Then, drawing himself up with great dignity and patting his breast, he added: "Me good judge—me Blutus!"

Besides a petty court, every agency is furnished with a small contingent of Indian police, whose duty it is to preserve order in assemblages on the reservation, to seize any liquor found within its borders, to arrest persons accused of wrongdoing, to see that no outsider enters the reservation without official permission either express or implied, and to execute the decrees of the Agent and his little tribunal. As a rule, the police do their duty well. It is no easy one, because it often brings them into conflict with white men of the lower class who are bent on some illicit scheme, and who resent interference from a functionary not of their own race. But the faithfulness of the police under adverse conditions has long been a proverb in the Indian Service, and their readiness to face death in carrying out their instructions has been proved a great many times. The worst of it is that some of the errands on which they are sent may require them to take their lives in their hands in a double sense. A celebrated case in point was that of five policemen on the Cheyenne River reservation who in 1896 were ordered to arrest a notorious squawman accused of an attempt to kill his wife. When they approached his cabin he ran out at them with an axe, and in self-defence they shot him dead. As he was a white man the courts took notice of the

incident, and the police were indicted for the murder and tried, had to spend all their little possessions on attorneys' fees and court costs, and, but for a very ably conducted defence, would probably have been hanged. The whole proceeding against them was a farce, but it had to be played through for political reasons, and to give employment and mileage money to a few white deputy marshals recruited from the heelers' brigade !

Justice has another useful aid in the "trailers" who are found on most of the reservations where civilization has least intruded. They are Indians who have kept up the skill of their ancestors in hunting fugitives; and their faculty for observing minute signs whose suggestiveness would quite escape the notice of a white pursuer, is almost like the exquisite scent of a hound. The trailers are in no wise attached to the courts; indeed, they have no regular organization, but volunteer their services in response to a call from the Superintendent when a murder has been committed on the reservation and the murderer has taken flight. If the runaway is of their own race they rarely fail to track him, for they have a particularly vivid apprehension of what an Indian would do under any given set of conditions; and in the last few instances where trailers have been used, the guilty man, on learning that they were after him, has saved further trouble by suicide.

Allusion has already been made to the fact that discipline administered on reservations for the lesser misdemeanors has no better base to stand on than the

acquiescence of the disciplined. Probably no race on earth are more ready to accept punishment, when they believe it is just and are not spurred to rebellion by outside meddlers, than the Indians. I was a witness to a case where a young Indian had been condemned by his Superintendent to imprisonment, with hard labor, for ninety days, for assault and battery committed under the influence of liquor. The labor was to be performed on the roads, and the Superintendent had wisely adopted the piece plan for such compulsory tasks: a certain amount of work was measured off as the proper stint for one day, and ninety times that amount would be considered equivalent to ninety days' labor. The agency farmer, who was also the keeper of the guardhouse, fell ill. He was a favorite with the Indians; and this culprit, knowing his condition, urged him to stay in-doors and go to bed, promising to shut himself up in jail every night and stay there as quietly as if locked in by a keeper. The farmer agreed, and the young man went regularly at nightfall to his cell and drew the door shut, not to emerge till it was time to go to work in the morning. Next, as it was early summer and the days were long, the prisoner obtained permission to rise at four instead of at six, and to work till seven instead of five in the evening, thus contriving to reduce considerably his term of punishment.

This is not an isolated case, but a type of much that I have seen on reservations, where Indian offenders have recognized the righteousness of the proceedings against them. All who have kept track of

Indian affairs will recall the case of Hosteen Bi-gow Etten, the old Navajo who was accused of murder because he had been engaged in a fatal affray with a party of tyrannous cowboys. He was badly cut up, and would probably have died if he had been sent to jail to await trial. A local missionary interceded for him and went bond for his prompt return when needed, and he repaired to his camp and remained till the day set for the hearing. As he was not at hand when his case was called, most persons present assumed that he had taken flight; but before the preliminary proceedings were far under way, he came galloping up to the courthouse, his body still bleeding from an open gunshot wound, and surrendered himself. In spite of all his pain and peril, he had ridden pony-back one hundred and eighty miles across the desert in order to redeem his word of honor.

CHAPTER XIII

A FEW ILLUSTRATIVE CASES

Thoughtless Demands for Reform—Doom of the Indian Dance
—The Standing Bear Decision—How It Was Ignored by Those Who Quote It Most—Imprisonment of the Ute Pilgrims—Story of the Geronimo Apaches—The Punishment of Porcupine—By-a-lil-le and His Outlaw Following—An Interesting Test Case Which Stopped Too Soon—Situation on the Sac and Fox Reservation in Iowa.

IN the spring of 1909, at a gathering of the secretaries of several mission boards maintaining stations in the Indian field, a memorial was adopted unanimously to the effect that "inasmuch as the sun dance and certain other Indian dances are essentially immoral in their tendency, resolved, that the Department of Indian Affairs be requested to take more urgent steps to enforce their prohibition." Always on the watch for a new idea from any source, I obtained a list of the gentlemen who had voted on this proposition, and wrote a separate letter to each one, asking (1) in what respect the measures I had already taken had in his judgment fallen short, and (2) what measures he would advise my taking for the future, to the end of breaking up dancing among the Indians.

The answers were interesting as a study in constructive criticism. Every voter for the memorial assured

me (1) that he did not know what methods I was already pursuing, and (2) that he knew so little personally about the subject that he was unable to offer any advice. One clergyman who had been present at the meeting but had not taken part in framing or adopting the memorial, wrote me that he had seen enough of Indian dancing to convince him of its evil tendencies, and that he hoped that the Government would put it down with a strong hand; but even he did not suggest any particular means to be used. I refer to the incident, not for the purpose of being critical in turn, but to show how easily a body of men of pure character, high ideals and educated intelligence may be led into saying and doing the conventional thing in connection with Indian affairs, without a fraction of the mature consideration which they would feel obliged to give to almost any other of the Government's manifold activities before passing judgment on its conduct.

Admitting, for argument's sake, all that is charged against Indian dancing, how is the Commissioner of Indian Affairs to go to work to stop it? The Indian Office used to have a rule that if Indians were forbidden to dance and disobeyed, their rations should be cut off till they came to a more complacent state of mind. But the ration system is now pretty well on its way to extinction, and to threaten to cut off rations from Indians who are not drawing any is not likely to prove a very effective measure. Shall the Commissioner imprison the offenders? On what ground? Is dancing in itself a crime? Then how comes it to be a pastime in vogue among the most civilized people of other

races? The dance, as has been shown elsewhere, is to the Indian not a mere amusement: it often has a religious significance as well; and on broad general principles the Indian has as good a right to express his religious emotions through hopping around in a circle to the beat of a tomtom and the chant of a chorus, as the white man has to join in a stirring revival service in his own church. Do we suppress such demonstrations among our own people? No, we simply demand that they shall be so conducted as to give no reasonable cause of offence to persons in the neighborhood who subscribe to other faiths, or whose peace and comfort are liable to be disturbed by noise, even if it be made as an outgiving of religious ecstasy.

So, with the Indian, I have insisted that the dances shall be shorn of every cruel barbarism like self-torture, and all forms of indecency, and that the dancers shall not annoy their neighbors who may be adversely minded toward such ceremonies. Indeed, I have gone a step further, and, by letting them learn from experience some of the harsher lessons of cause and effect, have endeavored to convince them of the un-wisdom of dancing when it interferes with their work and prevents them from laying in a good store of winter food for themselves and their stock. The white man we do not have to guard against such follies, for he has been brought up from the cradle to dread the pain of hunger and cold and the shame of the alms-house; but the Indian has not.

There is no room for question that the Indian dance is doomed to disappear, and will do so before many

years, regardless of whether or not we lift voice or hand against it. The evolutionary forces which have marked it for extinction are the spirit of the age and the invasion of commercialism. Something of the spirit of the age finds its way into the Indian camp whenever a laborer returns thither from a season spent working for the white people of the outside world. He has lost much of the keen zest he used to feel for the dance; his faith in its efficacy as a religious rite is badly shaken if not utterly destroyed. Repeated excursions of the same sort increase the gap between him and his home-keeping kindred in the matter of credulity. The process is so gradual as to be almost imperceptible to him and to them, but both feel its influence.

Then, from holding their dances as a close communion, the Indians have little by little admitted white spectators to witness them. At first this was done reluctantly; but as the whites have come in larger and larger numbers and backed their importunities with money, the ceremonies have lost their old flavor and become commercialized. To-day it is safe to say that among the tribes who have had white neighbors for any length of time, the dances are no longer more than empty forms except for the oldest people. On the younger ones who spent their earlier years in the camp but have since been to school, the religious ideas behind the dances retain about as much influence as ghost stories and other bugaboos of the dark exert still among the white generation approaching maturity.

Reverting to the consideration of what could be done in a more strenuous way to control the conduct of Indians in such matters if the Government were to undertake a serious campaign without some stronger legislative or judicial support than it now has, it may be edifying to review a few cases which have actually occurred and contributed a little picturesque color to a rather sombre-hued history. The most notable of these was the arrest of the Poncas and Chief Standing Bear's successful plea for liberty.

In the winter of 1877-78 Congress decided that the Ponca Indians must be removed from their immemorial home in Dakota to a reservation selected for them in the Indian Territory. It is needless to discuss here the excuses offered for this act; whatever they may have been, it became Secretary Schurz's distasteful duty to execute the law. The change of climate proved too much for the hardy northern tribe, and they began to die—to quote their own descriptive phrase—like flies. Standing Bear, a highly respected chief, kept up a constant protest against the Government's action, and at last, having lost a dearly beloved son, resolved to endure it no more, but to carry the boy back and bury him in the country of their fathers.

With the body of his son in his farm wagon, and followed by a handful of faithful friends, he started northward in January, 1879. Such an equipment made travelling very tedious, and it was March, and corn-planting time, before the party reached the Omaha reservation in Nebraska. Here they halted, worn out with their long tramp and utterly destitute. Begging

the use of a little land and borrowing some seed, they undertook, with the Omahas' consent, to put in a crop there, the harvest of which they hoped would carry them on to the next and final stage of their journey. Suddenly there descended upon their camp a detachment of United States troops with orders to arrest them and take them back to the Indian Territory. It was obviously useless to resist, so they yielded; but they had got no further than the city of Omaha on the return trip, when the local newspapers heard their pitiful story and spread it broadcast. A citizens' movement was organized at once in behalf of the Indians, and a firm of well-known lawyers volunteered their services gratuitously to sue out a writ of habeas corpus.

The proceedings were had before Judge Dundy of the United States District Court, who, after hearing the arguments of counsel and the testimony brought out to show the good and peaceable character of the Indians and the sufferings they had undergone in their midwinter pilgrimage, permitted Standing Bear to speak for himself. The chief's speech was full of fire, and replete with the beautiful imagery for which Indian oratory is famous. It wrought to a high pitch of excitement the audience which packed the court-room. At its close, Judge Dundy delivered an opinion sustaining the main points raised by the attorneys for the Indians, that "an Indian is a 'person' within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus . . . where he is restrained of liberty in violation of the

Constitution or laws," and that "the Indians . . . have the inalienable right to life, liberty and the pursuit of happiness as long as they obey the laws and do not trespass on forbidden ground."

It was proposed by the Department of Justice to take an appeal and let the Supreme Court of the United States pass conclusive judgment on the issues raised at the hearing. But by way of cutting off any further discussion, the judge discharged the Indians unconditionally from custody, instead of putting them under bonds as is commonly done in a test case; so the court above declined to entertain the appeal, as there were no persons then under detention.

Judge Dundy's utterance has been widely quoted ever since it was put forth, as the last word which could possibly be said on the subject. It has been elaborated by imaginative commentators to cover a good many things which it did not say, and only rarely have its qualifying clauses been included in a citation of it. Hence the resultant conclusion long since fixed in the public mind, that the Indian may go where and do what he pleases, with a deal more freedom than we should accord a white man under similar circumstances. Personally, I have always sympathized strongly with the idea of the Indian's entire freedom to go and come as long as he pays his way and avoids trespassing on the rights of others; but I have been equally insistent that these conditions should be kept constantly in mind.

With three hundred thousand Indians to care for, spread over millions of acres in the West and distant

anywhere from one to three thousand miles from the seat of Government, every Commissioner and every Secretary and every President, since Standing Bear's party was set free, has been forced at times to make his own laws and do things which seemed arbitrary, because Congress has failed to make any statutory provision to meet particular exigencies. If Judge Dundy's decision not only was sound as to the case before him, but applies sweepingly to all Indians of every grade of civilization and under every combination of circumstances, then it is safe to say that no federal officer who has had charge of the dependent race has got through his administration without violating the law from once to fifty times. It is an unfortunate condition of things, but we are dealing now with history and not with theory; and it is due to this long list of public servants to say that I do not know of one of them who has not been a humane man at heart, and as desirous as any one could be of not trampling needlessly on the rights of the humblest of his fellow creatures.

In the chapter on "The Indian at Work" I briefly sketched the experience of a band of two hundred Ute men, women and children who in the summer of 1906 left their home in Utah because they disliked the changes which had occurred there, and started on a march across the country to the Sioux reservations in South Dakota; but I purposely omitted, as inapposite to the point which I was seeking to emphasize in that place, all reference to one important incident of their journey. Although they made their march on a very

foolish errand and in defiance of the Government's friendly advice, it must be said to their credit that they behaved well throughout its earlier stages. Every town through which they passed bears witness that they molested nobody, stole nothing, and paid cash for all the supplies they bought at the stores. Nay, at the time that the sensational writers were most busy flooding their newspapers with accounts of "A Great Indian Raid," or "Redskins on the Warpath," the Indian Office was receiving daily communications from the frontier towns expressing the indignation of their best citizens at these misrepresentations, praising the red pilgrims for their peaceable and orderly conduct, and concluding with such comments as: "We used to think hard of Indians, but if all the rest are as good as these you are to be congratulated."

The newspaper clamor, or something else, alarmed the Governor of Wyoming, and led him to believe that the passage of the Utes through the less thickly settled part of his State would lead to race disturbances; so he telegraphed to the Department a request that it would remove them. Our answer was that "as long as they are peaceable and do not threaten hostility it does not seem that the federal Government would be justified in interfering with them. . . . The case is one for the local authorities rather than for the Department."

As this view did not satisfy the Governor, he applied to the President for federal protection, following the form prescribed by the Constitution. The President ordered out troops to head off the Indians and take

charge of them. At the first parley, the Ute leaders seemed disposed to fight; but the exercise of a little tact by the officers in command induced a better feeling, and after being promised a hearing at Washington for any grievances they might wish to present, the Indians consented to go with the soldiers and were marched off to Camp Meade in South Dakota, where they were held all winter as prisoners. This seemed to me an uncommonly good opportunity for any philanthropic society to test the strength of Judge Dundy's decision. These Indians were citizens; they had done nothing deserving of punishment or even of detention, as far as the Indian Office could discover; they were not at war with the Government; their purpose was in no wise hostile to the whites anywhere, or to any other Indians; they were, it is true, a rather irresponsible body of trampers, but so was Coxey's army, with which the Government did not interfere till it had tramped down the grass in the Capitol Park at Washington. Yet not a hand was raised for the discharge of the Indians from imprisonment. No indignation meetings were held, no attempts made to stir public sentiment through the press, no writs of habeas corpus sued out. What inference was to be drawn from this portentous quiet in the presence of so significant a case?

The next spring, after a conference between a few of their leaders and the President, the whole body of Indians were released and tendered an escort to take them the rest of the way to their proposed new home. The Government itself drove a bargain in their behalf

for the lease of a good-sized camp on the Cheyenne River reservation, where the wanderers settled down and stayed till, as already described, they realized their folly and asked to be taken back to Utah. The question naturally arises: Did this case come into the same category with that of Standing Bear and his Poncas, or did it not?

In 1885 occurred the raid of the notorious Geronimo and his band of Chiricahua Apaches upon the white settlements of New Mexico and Arizona. A more hideous story of bloodshed has rarely been told of any era. Troops were sent to the scene, and after a remarkably sharp pursuit took the Indians prisoners. The white people of the country through which the band had swept were so incensed against them that it was deemed the part of prudence to hurry them off to some safer place. The captive marauders were accordingly conveyed, with their wives and children, to two of the military posts in the far South, and later removed to Fort Sill in Oklahoma. There, under the care of benevolent army officers, they made fine progress in civilization. By the time of my first visit to them in 1896, they were living in houses built by themselves, had become successful hay-farmers, were sinking wells not only on their own premises but on the farms of the white people of the neighborhood, and were raising good vegetables for sale. In that one spot they have stayed ever since, their old people dying off and their babes born in captivity growing to adult estate. Again and again they have pleaded with the Government to set them free and let them go back to their old moun-

tain home, but to no purpose. When their imprisonment is to end, is still at this writing a question that cannot be answered. And yet, though the bulk of the Indians now at Fort Sill never lifted a weapon against the Government, and those who did commit depredations never were brought before a tribunal of any sort, civil or military, not one philanthropic finger has moved to procure for them the liberty guaranteed to every person within the jurisdiction of the United States according to Judge Dundy's famous decision. What are we to make of that circumstance?

In 1900 a medicine man named Porcupine, on the Northern Cheyenne reservation, professed to have received a divine revelation heralding the early advent of the Messiah, who at His coming would call from their graves the dead Cheyennes; and these, it was prophesied, would unite with the living tribe and drive the white people out of the country. Signs of unrest appeared on the reservation. Commissioner Jones believed it his duty to prevent trouble, instead of letting it spread and then trying to repair the damage done. He accordingly recommended to Secretary Hitchcock that Porcupine be arrested and taken to Fort Keogh "for confinement at hard labor at that post till such time as he should be thoroughly disciplined and taught to respect and obey the officers of the Government and otherwise properly demean himself, and give satisfactory assurance to the military officers that in the future he would behave himself and cause no further trouble." Mr. Hitchcock took up the matter with the Secretary of War, and Porcupine was arrested

and sent at once, without trial of any sort, to the Fort, and there confined at hard labor for several months. Then, the Commandant having reported that he "appeared to be thoroughly disciplined," that "his conduct had been excellent in every respect since his confinement," and that "he had promised that in the future he would behave himself and cause no more trouble," the medicine man was released and allowed to return to the reservation. That his taste of the Government's power did him good there is no doubt; and I can testify from personal acquaintance with him and knowledge of his conduct later, that he is one of the deserving Indians now, and has been exerting his influence for the welfare of his tribe. But although Judge Dundy's decision was wholly ignored in this case, not a philanthropist in all our broad land interfered to prevent Porcupine's receiving the lesson which had so excellent an effect on him and on his followers. Why?

And now we come to the most notable of recent cases in point, which I feel constrained to describe in some detail because it is so illustrative in its leading features, and also because, owing to the fact that the Government cannot enter into newspaper controversies with private parties, only one side has had any extended presentation in the public prints. In the heart of the Black Mountains on the Navajo reservation lived, in 1907, a medicine man named By-a-lil-le. He was of the same type as Geronimo, who also had practised the black art among his fellow Apaches before starting on his last horrible raid. By-a-lil-le's home was in

an almost impenetrable fastness where the little band of renegades whom he and his chief lieutenant, Polly, had gathered about them, often boasted that no white man could ever disturb them. From this place he and his followers would emerge from time to time, to swoop down upon the inoffensive Indians who were trying to support themselves as farmers and herdsmen in the valleys below, destroy their crops, plunder their homes, kill their sheep, carry off their women and girls, and generally exercise a reign of terror in their neighborhood. When admonished that such courses would get him into trouble with the Government, By-a-lil-le laughed the idea to scorn, declaring that he was able to strike his enemies blind and fill their bodies with invisible poisoned darts, so that he was prepared to defy even the soldiers if sent to capture him. These vaunts his credulous disciples accepted as true.

Appeals from his law-abiding victims were continually coming in to Washington, and with not a little difficulty and risk two trusted representatives of the Indian Office investigated the unpleasant situation with a view to discovering some lawful way of abating it. The regular machinery of civil justice was unavailable. As the scenes of the offences lay in a corner where the State of Utah and the Territories of Arizona and New Mexico come together, it would have been in the power of any one so minded to confuse the question of jurisdiction and cause unconscionable delays, if not the defeat of the whole purpose of the prosecution, which would have been not vengeance but a warning which the culprits could understand. Again, in this re-

gion, as elsewhere on the frontier, grand juries have not much time or patience to spare for cases in which both aggressors and aggrieved are Indians; and had there been a failure to indict, or long delays at the trial, or an indecisive verdict, or any other miscarriage of justice whose technical aspects were beyond the comprehension of the Indians but whose effect would have been to set the culprits free, one of two things would have happened. Either By-a-lil-le, pointing to his victory for proof that his magic was able to paralyze all the energies of the white men's government, would have become a worse tyrant than ever before, possibly even emulating Geronimo's example; or else some of the peaceable Indians who had been wronged by him till they were exasperated beyond endurance, would have sought him out and killed him, and thus brought on a small but bloody war inside of the reservation. Yet something must be done, for conditions had become intolerable.

Accordingly I recommended that when next any of the troops at Fort Wingate, the nearest army post, were going to make a practice march, they be instructed to make it through By-a-lil-le's country, for a double reason: first, the dupes of the medicine man might thus see that the Government did possess an armed force near at hand who could come within reach of his spells with impunity, and by this antidote the prevalent fever of terrorism might be broken; in the second place, the soldiers could learn the topography of the district into which they might one day be ordered suddenly to suppress an outbreak. The

march was made that autumn. At a certain juncture the aspect of things led the Captain in command to believe that it would be a wise precaution to arrest By-a-lil-le and his immediate following and hold them at least till the completion of the march. In making the arrests the troops were fired upon by the Indians and returned the fire. The troops suffered the loss of a horse and a few minor casualties, but two Indians were killed and one wounded.

The first news which came to me of this skirmish was an official report announcing that the ringleaders of the outlaw band were in the hands of the troops, and concluded with the recommendation that they be sentenced to imprisonment with hard labor for ten years at Fort Huachuca in Arizona. On purely physical grounds there was nothing injurious to the Indians in the site chosen, for the climate at the Fort was kindred to that to which they were accustomed in the Navajo country; prisoners at our military posts are always well fed and kindly treated; and the proposal to let them work for their board not only was reasonable in the abstract but looked to their improvement morally. It was a delicate question to decide: any misstep might have serious consequences. Had there been an opportunity for consultation before affairs had reached that stage, my preference would have been not to hold the prisoners for punishment, as it might have been a good time to experiment with the effect of the expedition by leaving matters as they were; for the Indians had seen that, when they opened fire upon white troops, they were liable to pay for the

adventure with their lives in spite of their having a medicine man for their leader.

But the matter had got past if's and an's. Here were By-a-lil-le and a party of his intimates actually in durance, and they and their fellow outlaws watching to see whether the Government would really be powerless to accomplish anything against the leader's magic. To have set them free at that stage would have been, from the Indian point of view, such a confession of weakness as would have amounted to our turning over the control of the reservation to an irresponsible necromancer, with all that that implied. I therefore advised Secretary Garfield not to sentence the culprits for any fixed term, but, as our sole desire was to reform their practices, to make their commitment indefinite, with the understanding that, as soon as they could give satisfactory assurances that they would cease their life of outlawry, they be released. On this counsel the Secretary acted, and the War Department took the prisoners into its official custody till further notice. One of them was set free before the expedition started for Huachuca, as his advanced age made it improbable that he would take part in any more disturbances in the absence of his companions. About a year later the officers at the Fort recommended the discharge of all the rest except By-a-lil-le and Polly; consent was given, and the discharged men were sent home under escort. During their period of confinement, we had taken special pains to see that the prisoners' families should be looked after if in need; but so far from lacking any necessaries, the women said that they and

their children were in comfort, and actually better off than when they were under the domination of the men, as now they could make and sell their blankets and use the proceeds themselves, instead of having to give up their money to the men to be spent on ammunition and gambling.

Before recommending the imprisonment of the captives, I had gone back over the records of the Department and found that administration after administration had, without interference from outside, disciplined violent Indians in disregard of the decision in the Standing Bear case, because that case had never been carried to the court of last resort; and also because, as it dealt with a perfectly peaceable and harmless band, there seemed to be a general disposition not to try to make it apply to habitual marauders and outlaws. Still, I realized that in the present instance it was quite possible, for reasons wholly apart from the merits of the case, that a test suit might be brought; and in a little while one was brought by the Indian Rights Association, which applied to the District Court of Arizona for a writ of habeas corpus, for the purpose of determining the question whether administrative officers might deprive Indians of their liberty without the customary formalities of trial and verdict.

Contrary to a widespread popular impression, no officer of the Government who is honestly trying to do his duty has any dislike for a test case as such, for it serves to clarify the law and is a help to him thereafter in his work; and the only objection any one could

have raised in this instance was limited to a regret that, after so many other cases involving less serious possibilities had been ignored in the last thirty years, the beneficiary now should happen to be a person of the character and antecedents of By-a-lil-le. Still, the fear lest the issues should be somewhat confused in the minds of both Indians and whites, and the result improperly interpreted, was a consideration of expediency only; and the Association was acting entirely within its privilege in filing its petition. I did deplore its resort to the newspapers also, because it seemed to me that in the courts was the proper place to try out the questions in controversy, and that if we could carry this case through the whole series of permissible appeals, we should all know a good deal more at the end of the story than we knew at the beginning. Certainly, several able lawyers were desirous of having the Supreme Court pass finally on the lengths to which the Department was justified in going under the broad discretion apparently vested in it by Congress in connection with its responsibility for the conduct of affairs on Indian reservations; and also whether Indians still in a state of barbarism, taken captive by a military expedition after an exchange of hostilities, did not stand in a somewhat different position, as regards the technical procedure to be followed, from ordinary civil prisoners, even though the military arm of the Government had consulted the civil arm as to the term and conditions of their confinement. The case of Geronimo's Apaches has been discussed a good deal on this basis.

In the By-a-lil-le case, the court of first instance, whose jurisdiction was equal to that which passed upon the Standing Bear case, declined to accept Judge Dundy's decision as settling the law, and refused the writ of habeas corpus. An appeal was therefore taken by the petitioners to the Supreme Court of Arizona, which reversed the court below but did not release the prisoners from custody, as the Government gave notice of its intention to appeal to the Supreme Court of the United States. In spite of the best efforts I could make for expediting it, the case went over till after the change of administration at Washington in the spring of 1909, and was still unargued when I resigned the Commissionership in June. Later, the new Attorney-General concluded not to carry it further, and by mutual consent of the parties it was discontinued, and the prisoners were sent back to the reservation and released. The whole affair consumed the better part of two years.

Personally, I am very sorry that the highest federal tribunal did not have a chance to pass upon the case, no matter whether it decided for or against the Government. All I have been able to learn from reading the records, and from conversations with members of both houses who were prominent in Indian legislation in past years, leads to the belief that it was the intention of Congress to clothe the Department with abundant powers for preserving the peace among tribes not yet well started up the scale of civilization, who need a somewhat different handling from those who have advanced further; and if a clearer definition of those

powers were necessary in order to make the Department's authority effective, a conclusive expression from the Supreme Court of the United States would have furnished a basis for asking for such legislation as would meet all needs thereafter. What form the new legislation might have taken, no one can say: perhaps the organization of a special tribunal like a court martial, with summary proceedings and careful provision against the escape of the guilty by the prostitution of measures designed only for the protection of the innocent. Whatever the method devised, the great ends to be kept in view would have been certainty and swiftness; for among the wilder Indians the only government which commands respect is that which is capable of enforcing its decrees as the nature-gods do, striking with the velocity of lightning from the clouds, or overwhelming resistance, when necessary, as a river floods a whole valley in a night. Later, after their minds have become capable of associating the noiseless majesty of our judicial system with the power over life and death, the same people would stand in all the more awe of it because they had first learned thus crudely the meaning of "thou shalt" and "thou shalt not."

I know precisely what answer will be made to this argument: that it flies in the face of the whole philosophy of Indian administration I have been advocating, since that has for its focal centre the idea of obliterating race lines and ceasing to have "Indian" laws and "Indian" regulations, "Indian" schools and "Indian" troops, as distinguished from the laws and rules, educational and military institutions which belong to

all Americans in common. The fallacy of this criticism will be apparent on a moment's reflection. I am simply proposing temporary means of dealing with temporary conditions, just as we throw a few planks across a stream which we expect later to span with a permanent bridge. Did we not, in the midst of our highest civilization, establish the old Marine Court of New York for the special benefit of the seamen who then thronged that port, and whose ignorance of the ways of the world made them particularly liable to imposition? Have we not truant courts, and juvenile courts, and other tribunals which recognize one or another passing status among offenders? Have we not reformatories and inebriate asylums, refuges for the morally weak and homes for the morally defective? These are not regarded as permanent abodes for all the classes who do not measure up to the highest standard of efficient citizenship: for the wilfully incorrigible we have prisons and penitentiaries. As soon as any individual inmate of an asylum or reformatory is cured of his malady, or so strengthened that he can presumptively depend on himself for the future, his term of segregation ceases and he is merged once more with the normal majority. So, it seems to me, if we had a tribunal especially designed for handling cases arising among Indians still in a state of barbarism, of which the ordinary courts cannot or will not take proper cognizance, it could cease to have jurisdiction over any tribe from the time that that tribe mounted to a higher level or the local tribunals changed their attitude.

The details of such a plan I am not attempting to work out. It is possible that a dozen better ones might be contrived. But the illustrations I have cited from the history of the Poncas, the Utes, the Apaches, the Cheyennes, the Navajos, all point to the fact that deep down in the minds of men everywhere lurks a sense of a distinction—without warrant of law, perhaps, and not definable in terms of logic—between a class of conditions under which we feel impelled to rush to the front with an assertion of abstract human rights, and another class under which, from motives of regard for social good order or manifest justice, we recognize the practical wisdom of non-interference. We witness such differentiations in the concrete every day, when a worthy man arrested by the police on dubious grounds finds a dozen volunteer champions taking up his cause; while the same police, in preparing a city for a popular festival, lock up or exile hundreds of persons suspected of being dangerous to the public peace and comfort, without so much as an oral examination or a perfunctory writ, and are not called to account for their arbitrary vigilance.

The lack of means for handling promptly and decisively the difficult situations which are liable to arise at any moment on a reservation containing several thousand Indians still under the tribal bond and influence, is a distinct handicap to the work of any one who is called to take charge of the Indian establishment as Commissioner. He may be so fortunate as never to be confronted with situations with which it is his plain duty to cope in spite of the fact that his hands are

tied. But if he finds himself face-to-face with an exigency in which he feels, from his intimate knowledge of the people with whom he has to deal, that inaction may mean bloodshed and pillage, what is he to do? If he sits still because he cannot be sure that the law would support him in moving, and the threatened disaster comes, he cannot defend himself to his own conscience, much less at the bar of public opinion. If he obeys his best judgment and acts, he is liable to the widespread aspersion of his motives as well as of his conduct. His critics may be technically right, and he wrong, from the point of view of statutory interpretation, and yet he could not do otherwise and have any peace of mind. The whole question is one of the supreme duty of the moment; and such a question, it seems to me, every self-respecting man must decide according to his own best lights when it arises, and then face the consequences without flinching.

A peculiar situation has developed out of the conditions obtaining on the Sac and Fox reservation in Iowa, which may yet furnish a chapter by itself in the annals of Indian jurisprudence. A number of years ago, when the Government supposed that it had found a desirable home for the Sac and Fox Indians in Oklahoma and had placed them in it, a part of the tribe decided that they preferred a reservation further east and north, and one where they could live as they pleased instead of being subject to the official programme of civilization. So they seceded from the main body and went over into Iowa, where they bought with their own money, just as white people

might have, a farm near the town of Tama which contained some arable land, some timber, a sufficient water supply, etc. From time to time thereafter, as the pecuniary means were forthcoming and opportunity offered to purchase what they wanted, they added more farms to their holding. Being non-citizens, they had to act through trustees, and their Superintendent and the Governor of Iowa were clothed with this responsibility. The total area of their domain is now about three thousand acres. In 1908 the two trustees shifted their charge to the shoulders of the Secretary of the Interior, so that, for administrative and disciplinary purposes, the Sac and Fox reservation in Iowa stands to-day on substantially the same footing as other Indian reservations.

Soon after these Indians moved into their present quarters, the Government established a boarding-school and agency for their benefit at Toledo, which is four miles from Tama, though, as both towns are growing toward each other, it puzzles a stranger somewhat to know when he passes from one into the other. The Indians, incited by a few mischief-makers and under the influence of the liquor-selling element who found profit in debauching them, resisted every effort of the Government to promote their welfare and encourage among them a respect for law and order. Intoxication, loose relations between the sexes, the rearing of their children in ignorance and lazy habits, and general contempt for any authority, social or legal, which could be evaded, became so obtrusively characteristic of an important part of the band, that many of the white

citizens who at first had sympathized with what seemed like a natural desire of the Indians to escape from the deadly trammels of bureaucratic red tape, began to change their views. They petitioned the Superintendent, and through him the Government at Washington, to intervene in behalf of the moral atmosphere of their community, since their own local courts had refused, on the ground of lack of jurisdiction, to entertain this class of complaints. As soon, however, as a federal officer would lay hands upon an Indian offender, some legal pettifogger would rush to the rescue, ready to raise a technical point for the dismissal of the case, or to keep the Indian witnesses out of the way, or to confuse their minds if the matter reached a trial on the merits.

A favorite argument among these gentry was that the tract of land on which the school and agency stood was not a part of the Sac and Fox reservation, and hence was outside the pale of the laws providing for the preservation of good order on Indian reservations, or those which require the Commissioner to compel the attendance of children at some school on the reservation of their tribe. Unfortunately, one United States judge took their view of the matter in rendering an opinion, and at last accounts his ruling stood as the only recorded adjudication of the question; although other judges of equal rank, who had evidently taken more pains to review the history of the establishment of the school site, have informally asserted that his theory could not survive an appeal. This appears to be one of the instances where a *laisser-faire* policy may work a

downright wrong to the handful of progressive Indians who are left victims of the prevalent demoralization, and at least one of whom has declared that he is discouraged, and that it is "no use trying longer to make anything of himself." It is also a needless and unjust hardship to any conscientious Superintendent to put him in charge of such a reservation and demand that he shall be responsible for conditions which he is not given the means to control. No considerations of economy by keeping out of litigation, no timidity about facing a possible defeat in the courts, ought to be allowed to weigh against forcing a test case whose decision, even if adverse to the Government, will at least show all parties where they stand, and, it may be, pave the way for some really effective legislation.

CHAPTER XIV

MISSIONARIES AND THEIR METHODS

The Aboriginal Conception of Deity—Supplanting Nature-Worship with Christianity—A Missionary's Beginnings—Teaching the Converts Independence—Status of the Mission Worker Under the Law—Mistakes Which Can be Avoided—The Hospital as a Faith-Bridge—Marital and Sex Problems—Ecclesiastical Controversies in the Schools—A Pagan Indian's Regard for his Vow.

WHAT is the Indian's religious life?

One who is unfamiliar with the native tongues is apt to be puzzled by the phrases with which ignorant interpreters express the aboriginal conception of deity. Sometimes they speak of "the Great Spirit," sometimes of "the spirits"; now of "God," anon of "the gods." Doubtless the concept is as vague in the Indian's mind as in his interpreter's jargon. The only generalization we can venture is that he has a sense of the existence of some mysterious spiritual essence which pervades and controls the universe, and which finds its visible embodiment in the forces and phenomena of nature. Hence in its outward forms his religion is primarily nature-worship. Power is the attribute which most impresses him in any being, animate or inanimate. The sun, source of all warmth; the earth, mother of all life; the rains which cause the earth to

become fruitful; the winds which blow from various points on the horizon; a huge crag which could crush him if it fell; a roaring river at its flood; a cataract he is powerless to stem, or a mountain he cannot scale: such are the objects which typify for him the ultimate principle of might and majesty, and to which he pays homage with his hopes and fears. He mixes much imagery with his fetishism, too; so that, if you could look into an Indian's mind when it is in the attitude of adoration, you would probably read there some unuttered poetry not unlike the psalms of David.

To the gentler side of what we call religion he is a stranger. He is a man of peace, it is true, when it comes to yielding his will rather than quarrel with a friend, or arranging terms of settlement between aggressors and aggrieved within the tribal circle. But when he does to others as he would have them do to him, it is in pursuit of a policy making for comfort rather than in obedience to a moral impulse. His hospitality knows no bounds, but he expects yours to be equally expansive when his turn comes to play the guest. He will load his visiting friends with presents, even to his own impoverishment; but they must attest their appreciation by singing his praises as a giver or rivalling his bounty in kind, unless they would check the flow of good things and incur his contempt. The idea of giving to those who do not know of his existence, and solely for the sake of the good his gifts may do, does not appeal to him in his natural state.

It is necessary that we should look these facts squarely in the face if we would do justice to the Indian. A

Caucasian who, on receiving a free gift of silver, throws it away because it is not gold, we should condemn as a graceless creature for whom it is not worth while to turn one's hand over a second time. Not so the Indian who spurns or ridicules your advances when, moved by pure altruism, you try to help him. No such sentiment as yours is within his own range of mental experience, so he does not understand it; and what he does not understand arouses his suspicion.

This is the phenomenon which baffles many a Christian missionary on first entering the Indian field. Full of the zeal of youth, he has bidden farewell to family and friends and every pleasant physical association, and betaken himself to a lonely post in the wilderness, fancying that all he will have to do is to visit his poor red brethren, Bible in hand and the divine message trembling on his lips, to be received by them in the spirit in which he came, and made welcome to their hearts as well as to their homes. He is terribly discouraged when he finds that they are not waiting for him, eager to be taught, but rather in a mood to repel him as bringing them something they would prefer not to have. They are satisfied with conditions as they are. Let the white man "walk the Jesus road" if he takes pleasure in it, but leave the Indian to go on in "the old Indian way."

Then comes diplomacy. What the proffer of a new gospel will not accomplish, a Sunday luncheon may; and Indians are often tempted to come and hear what a missionary has to say if they know that after the sermon a little feast will be spread for them. One of the

most successful mission workers among the Kiowas in Oklahoma told me that when she settled there the Indians bore her presence at the outset with undisguised impatience, and after two or three weeks sent a committee to wait on her and say: "When you came here you said that you came to bring us a message. Other people, when they bring us messages, give them to us and go away. We have listened to all you told us. Now, when are you going away?"

She parleyed with them awhile, trying to make them see that the message she brought was a continuing one, not measured by a few spoken phrases. They were unconvinced, but she induced them at last to grant her more time, and promised to bake them a cake against their next visit. The cake, when made, proved so heavy that she was not very proud of it; but Kiowa standards in cookery differ from ours, and, in the view of the Indians, weight and solidity were desirable attributes of food, because they made it go so much further. This particular cake, happily, was heavy enough to break through the barrier of suspicion, and thenceforward the missionary was able to induce her Indians to do pretty nearly anything she wished by promising them a cake when they had shown themselves sufficiently amenable.

I have selected the case of this woman for individual mention because she is the type of missionary for whom I cherish a profound respect; for, although she resorted to what sentimentalists may regard as a sordid means of attracting hearers at the start, she followed this up with so practical and energetic a programme

that one forgets its beginnings in the contemplation of its end. She lived and worked in one spot for years, learning new things herself about farming and domestic management in order to pass her information along to her pupils, but never making the mistake of pauperizing them. When they needed a meeting-house, she did not call upon some rich white benefactor for a donation. After a round of visits which made her personally acquainted with every man, woman and child in her district, she had so far won their confidence that under her direction they reared an arbor of rough poles covered with brush, which she told them should be their place of worship till they were able to build themselves a real "Jesus house" such as the white people used.

Soon she set them to raising their own building fund. Some gave her money from their earnings, for not a few owed their earning capacity to her instruction. The women she organized into a sewing club, and taught them how to make quilts which would sell in the open market. The hunters brought her pelts; the bead-workers and other experts in the native crafts made curios for sale. From these sources alone she raised nearly \$700 as the fruit of five years' hard work. So resolved was she to keep her Indians independent of charity, that when I enclosed a trifling contribution in my letter of regret at not being able to attend the dedicatory exercises, she declined to put it into the building fund but laid it aside for future unforeseen contingencies. As a matter of fact, various minor gifts have been made to the church, but they are

of the same sort which are made to white churches as memorials, or for some other special object.

Behold the indirect results of this thoroughly practical policy. Thanks to the way she strengthened her people in their self-respect, and made them realize that the best preparation for a future life was a good use made of the present one, my latest report from her district showed nearly every head of an Indian family an industrious farmer, and every child of suitable age in school. The clearest story is sometimes told by contrasts; and that was my thought as I looked over into another mission district within cannon-range of hers, where the Indians had been appealed to in the conventional way and pampered in order to keep them under control, and where the representative convert refused from conscientious scruples to make a necessary journey on Sunday, but would commit reckless perjury on any other day of the week.

In short, there is as much difference in quality between missionaries on Indian reservations as between Superintendents. Some are as devoted men and women as can be found in any walk of life. Others are there obviously through an accident of fortune, or because they have proved unequal to the tasks set them in civilization. This class has been considerably weeded out during the last few years, owing, I believe, to a more effective system of inspection adopted by the principal mission boards. The worst sample of it I ever saw was a man of foreign extraction living on a reservation in a region almost uninvaded up to that time by white settlers. The

Indians did not know what he was doing there, and the Agent had never seen or heard of him before. He had a squaw keeping house for him, whom the neighbors assumed to be his wife, and was cultivating a little patch of land which he called a farm. At first he did not volunteer any very lucid account of himself, but on being threatened with expulsion as an intruder and vagabond he became more communicative, and finally produced papers which showed that he had come there as an accredited missionary, and was still drawing money and making reports of conversions. He was so patent a fraud that he was quickly shaken loose from that connection; and his long success in holding on was due, if I am correctly informed, to the fact that no one in authority had till then visited his station to check up his work.

Another, not attached to any mission organization but posing as an independent teacher of truth, and supporting himself by contributions from benevolent persons in the East to whom he wrote from time to time, carried on a thriving trade in curios and took a hand in various speculations on the border of his reservation till he had acquired a competency, and then dropped his missionary enterprise and set up business as a farmer in a white community. He first attracted the attention of the Government by procuring some supplies from an agency commissary through trickery, and would have been summarily ejected but for the intercession of a few good people who had never seen him but had fallen under the fascination of his canting correspondence. The authorities

at Washington were soft-hearted enough to let him off with a warning, and he showed his appreciation of their kindness by trying to make trouble for every administration from that day forward.

Still another, who had made himself particularly offensive by instigating rebellion among the Indians in his district, I caught supplementing his modest salary by illicitly running a private herd of sheep on a range in which he had no proprietary interest. My reason for citing these instances, which do not stand alone by any means, is twofold. It is important that the public who contribute to the support of missions should understand why the Government, which treats missionaries as a rule with all respect, occasionally has to deal severely with one. It is also most desirable for the welfare of legitimate mission work generally, that contributors should be prompted to look into the question, where their money goes and what sort of men will eventually handle it. Every dollar subscribed to help an unworthy missionary is not merely a dollar wasted, but a dollar kept from some worker who needs it for a good purpose. It is surely as foolish to shut one's eyes and solemnly assume that, by virtue of their calling, missionaries can do no wrong, as it is to take the other extreme, and rant against all of them as undeserving of support.

Missionaries on Indian reservations are there purely by courtesy of the Government. As far as his legal authority is concerned, the Commissioner of Indian Affairs could turn every one off to-morrow without assigning detailed reasons for the step. Actually, it is

the uniform practice among Government officers to give every feasible encouragement to men and women who come among the Indians on errands of good will and moral improvement. Most of the beneficiaries of this policy are glad to return courtesy for courtesy, lending a hand wherever they can to help the authorities in their difficult task, and counselling the Indians to respect the official regulations and cultivate friendly relations with the functionaries in charge. This class is made up of missionaries who are really doing work which will bear scrutiny; they are not compelled to foment trouble for the sake of proving their activity and zeal.

The inefficient class and the shams, on the other hand, will usually be found sowing the seeds of discord. This, they fancy, gives them importance in the eyes of their employers and of the more restless Indians. Almost in the same group I should place the sentimental and credulous missionaries who listen eagerly to every Indian crank, or ignoramus, or mischief-maker, who comes to them with stories against the Superintendent, and accept the complaints without weighing either their truth or their value. I have been present at conversations where missionaries have made statements to Indians which, if taken down verbatim, would not have looked to the eye like indictments of the agency officers; and yet the way a phrase would be put, or the inflection of voice which would give special emphasis to certain words, were calculated to fire a suspicion lurking perhaps causelessly in an Indian's mind, and make him an antagonist to

the Government in a situation where antagonism would be not only foolish but harmful to his larger interests. I once asked such a missionary what he had against the local Superintendent, and was told that he had not anything in particular, but on general principles "looked askance on anything that man did." When I followed this up by inquiring whether the Superintendent entertained a like distrust of him, he bristled with sudden indignation at the idea that any one would dare to assume that he was not all right!

Then there is the missionary who complains that the Government is indifferent to the vital interests of the Indians because it does not confide enough in the missionaries, but who, the moment advances are made toward a closer association, finds an excuse for edging off. I had once to perform a rather delicate duty in a tribe which had got itself into a snarl through bad leadership and factional quarrels. As I could not leave Washington, I sent an intelligent inspecting officer to represent me on the ground; and, since he was dependent upon an official interpreter, wrote to a local missionary whom I knew to be a master of the language of the tribe, inviting him to accompany the Inspector at the Government's expense, to see that the interpreter employed did his duty well, that the Indians understood what was said to them, and that their responses were properly turned into English. He declined, on the ground that he was there to do mission work, and did not wish to undertake anything which might interfere with his absorption in that. In other words, he regarded his purely professional functions

as more important than aiding the Government to protect the helpless people of his parish.

It is not always the missionaries themselves who are at fault for a continuance of unfortunate conditions. I called one day upon a female missionary who had been pretty tactless in some of her conduct and thus alienated the larger part of the tribe among whom she lived, so that her mission was lapsing into inertness, and convert after convert dropping away. We had a long, frank and pleasant talk over the matter. She was quite sensible of her mistakes, of their present consequences and of those probably still to come. She admitted the impracticability of any effort to restore her standing.

"Then," said I, "would it not be wise for you to ask your board to transfer you to some other post, where you could start afresh and profit by your experience here, while your successor would doubtless win back many of the seceders?"

"I am embarrassed," she answered, "by the fact that my board is an association of ladies, and most of the money they spend comes from the private purse of their president, who is very rich and charitable. Her heart is bound up in this post, and she is a woman of great fixedness of purpose. I have made tentative suggestions about a transfer, but she would not listen to them."

Further inquiries revealed that neither the president nor any member of the board had visited the mission, though it was within a day's journey of their home. By arrangement, I wrote to the ladies, saying that it

was with the missionary's approval after a friendly consultation, giving her full credit for her earnestness and loyalty, describing the imbroglio as we both saw it, and couching my proposal for a change in the most considerate phraseology. After a little I received an answer from the president decidedly tart in flavor, treating the presence of the missionary on the reservation as a vested right, and assuming in tone if not in terms that I was pushing myself into something which was in no sense my business. It ended with the declaration that the ladies of the board perfectly understood the situation, and that they had voted "to stand firmly by their missionary against the Indians"! In justice to other mission organizations with which I have corresponded, I ought to add that this is the only one which appeared to regard its field agents as hostile emissaries instead of messengers of peace.

One of the misfortunes of mission work among the Indians is that its extreme isolation too often has the effect of making a missionary forget that there is anything in the world outside of the narrow circle to which his activities are confined. The result may be that after he has stayed with a certain tribe for several years he comes to fancy almost that he owns them. Everything that concerns them is so intimately his that he can brook no plans or policies regarding them which are not first stamped by him with the seal of approval. This has led at times to rather sharp clashes between the Government authorities and the mission authorities. The local missionary insists upon a certain course in administration; the responsible officers can-

not see their way clear to doing what he demands; the missionary enlists the support of his superiors, who prefer siding with their own representative to siding with public servants whom they do not know; and thus in a little while a war is precipitated which is all the hotter for having entirely conscientious men leading both parties.

When the matter finds its way to the public through the appeals of the missionary body to church meetings and to the press, only an unbalanced presentation of the issues gets abroad, because the Government cannot enter into newspaper controversies or go before ecclesiastical congregations with its arguments; the only advantage it enjoys is that which comes from having the controlling judgment at the end, and being able to do what it set out to do, regardless of the opposition raised. And even though the sequel may prove the missionary to have been in error and the Government right, the advertisement of their clash will leave a false impression lingering in the minds of thousands of citizens who have not time for digging out the facts, who never heard how the incident ended, or who accepted the missionary's claims as surely right for their author's sake.

Such a controversy may arise, for instance, over a purely scientific or technical question, like the method to be pursued in irrigating the lands of a tribe. Here, one would suppose, the testimony of the best irrigation experts would count for something, not to mention ocular demonstrations on an experimental farm. Yet I knew of one such war, waged incessantly for several

years between a sincere but narrow preacher on one side, and reclamation engineers of broad experience and established reputation on the other; and, as the clergyman has the trait of tenacity highly developed, I am not sure that hostilities are not still going on, in spite of the Government's having long ago settled on its programme and set to work.

A mistake far too common among the missionaries is their tendency to exaggerate the personal virtues of their converts. One who has spent the larger part of a lifetime on a single reservation astonished me one day by appealing for the reversal of an official decision in a domestic disagreement over property. An Indian woman whom we will call Hannah had been married to a man named John, lived with him perhaps a dozen years and borne him one child. The lands of the reservation, which was very limited in area, were in due course divided among the Indians, and father, mother and child each received a few acres. Owing to some technical obstacle, the little farms set apart for them could not at the time be patented to the occupants, but by common consent every member of the tribe respected the inchoate proprietary rights of every other. John was a kind and faithful husband, industrious, sober, and as thrifty as any of the Indians. The child died, and its land, informally assumed to belong to the parents as sole heirs, was worked by John in connection with his own farm.

One day the wife disappeared, and it was discovered that she had eloped with a younger Indian named Edward, who had lately come to the reservation and

owned no land. She had no fault to find with her husband, who, she admitted, had always treated her well; she simply liked the other man better. In due course Edward appeared at John's farm and attempted to take possession of what he regarded as Hannah's property. John yielded her allotment without a murmur, but when it came to giving up half the dead child's land he resisted. He was ready to take Hannah back and forgive her error; or, if she was resolved to leave him, he was willing that she should cast her lot where she would; but as she had deserted husband and home without any offence on his part, and abandoned her duty as a wife, he insisted that she had no right to take any of their child's portion away from him, who had remained faithful to his obligations, in order to turn it over to her partner in iniquity.

After a time, Hannah came back and John received her on the old footing. But she had acquired the habit of unrest, and ere long she once more disappeared and joined Edward. The couple renewed their effort to get possession of the child's land. Having vainly exhausted their powers of persuasion on John, they carried their case to the Superintendent, who after an investigation decided that the weight of merit lay on the side of the wronged husband. As none of the parties had rights enforceable in law, the dispute had to be settled on lines of practical equity.

(When the missionary urged me to interfere in behalf of the defeated pair) I inquired on what ground she based her appeal. She answered that both Hannah and Edward had been converted since their escapade,

and were now, she believed, sincere Christians; and she thought it would be an encouragement to them in their new life to let Hannah have half the dead child's land.

"Has she returned to her husband by way of proving her repentance?" I asked.

"No," was the answer.

"Has she even left Edward?"

"No, she has married him, and I believe is true to him. They come to our services regularly."

I declined to set the Superintendent's judgment aside, much to the discomfort of the missionary, who evidently considered my view very sordid and worldly; but I suspected that a radical change of heart would move an Indian, like a member of any other race, to set right as far as possible the wrong he had done, instead of trying to hold on with one hand to the fruits of sin while reaching out with the other for the rewards of righteousness.

In the same category I should place a missionary's disposition to dabble in the internal politics of the reservation in behalf of his converts or his sect. I used to receive letters like this: "The Catholics have two of the assistant farmers at this agency, and the Presbyterians have none. Would it not be possible to give one of those places to a Presbyterian?" Of course, I could only repeat my standing formula that if any employee were not doing his duty, all I wanted was the proof, and he should be replaced with an efficient one, but that I could not inquire into the religious any more than into the political affiliations of

either man. I used to have more of this sort of intervention in regard to the constitution of the Courts of Indian Offences and of the police force than in other lines. As partisanship is one of the worst stumbling-blocks in the path of the Indian's progress, it seems to me that the poorest service a missionary can do him is to foster in his mind the idea that membership in a certain religious congregation means a share in the distribution of secular offices.

Often I have been asked what I regarded as the best way to approach the Indians with an appeal to consider Christianity. My answer has always been that they must be furnished first with something on a level with their understanding, which they can and will use as a bridge to carry them into the domain of inquiry. The Catholic priests of old time who established their faith on the Pacific Coast were experts in husbandry; they taught the Indians how to raise, harvest and preserve important additions to their food supply. The Society of Friends, in their operations in the Mississippi Valley, used to start model stores, carpenter-shops, and like enterprises. The Mennonites of our generation have devoted much attention in the arid zone to agriculture and the improvement of the water resources. The Protestant Episcopal mission to the Navajos set up an excellent hospital at Fort Defiance. Such illustrations show what I have in mind. If you approach an Indian with the bare abstract proposition that you are bringing him a religion better than that of his fathers, you must prepare for either resentment or indifference; but if you show him new ways of ap-

peasing his hunger, or mend his broken leg, or save the life of his fever-stricken child, you have given him something which locks into his environment, as it were. When he sees you doing this for him not once or twice but continuously, wonder begins to stir in his mind as to what it all means. Then comes your opportunity for telling him that your religion is a religion of love: that it is founded on the idea that all human beings, of every name and race, are brothers; that you are trying to do him good because he is your brother and you love him. And so your chain of instruction can go on, one link being forged into another as fast as his understanding will open to admit it.

A hospital I consider a better channel of approach than any other, because it accomplishes so many ends with one stroke. It confers a definite and palpable benefit upon the patient; it confounds the sneers and machinations of the native medicine men, when a sufferer they are unable to cure puts himself under the care of white physicians and recovers; it is the most potent instrument for uprooting superstition, because in all primitive religions the healing power is an attribute of divinity; it is an intelligible evidence of the superiority of Caucasian culture generally, and it paves the way for any further advances his white friends wish to make to the Indian. I have always encouraged the establishment of hospitals by private benevolence rather than by public appropriation. When set up by the Government, half their interest is lost. The Indian has had his moral perspective distorted so long by gratuitous favors from the Treasury

that he is apt to look upon a Government hospital as he looks upon a Government ration house, mixing contempt with his appreciation of it.

In the second place, a hospital, like a school, is apt to be better conducted under private control than as part of the Governmental machinery. Again, it seems to me important that the Indian should now be gradually brought into closer relations with private benevolence, so that he will feel that he has unselfish friends who will continue to be concerned for his welfare after he has been cut loose from the Government. Incidentally, the arrangement tends to stimulate whatever of altruism may be latent in him, while it increases the number of white Americans who periodically give some thought to the welfare of the supplanted race.

As might be guessed from illustrations already cited, few obstacles with which the missionary has to cope among the Indians present such perplexities as their lax marital relations. Polygamy is the least of these troubles. It appears to be accepted by the women concerned as a matter of course, and the men are usually as kind to their plural wives as they would be to one if that were their limit. During President Harrison's administration public sentiment was much stirred on the subject of polygamy, and demanded that the Government should exterminate it on Indian reservations as well as elsewhere. Secretary Noble tried his 'prentice hand as a crusader upon a delegation of Comanches who were among his first visitors in Washington. The chief in command afterward described the interview

to me. The Secretary, he said, asked him how many wives he had.

"Three," was the prompt response.

"Well, you know what the law is: no man may have more than one."

"All right, Mr. Secretary. But I love all three just the same; I should not know how to choose between them. You, Mr. Secretary, will have to tell me which two to turn out of my home."

The Secretary seemed nonplussed. After thinking the matter over, he announced that it was impracticable to make a choice, so all three might as well stay; but the chief must see to it that the young men of the tribe, as they grew up and married, should take only one wife apiece.

This compromise has been the unwritten rule ever since: the old men might retain their wives if they had more than one, but the rising generation would have to conform to civilized custom and law. It is easier to make such a rule than to enforce it. Some of the young men have felt that, although they were forbidden more than one wife at a time, there was nothing to prevent their taking serially as many as they chose, and as rapidly. The law in most of the States and Territories being very lax as to forms, no particular ceremony was regarded as necessary; and a marriage thus easily contracted, they reasoned, might be cancelled about as lightly. Indeed, this condition of things was indirectly encouraged by the local courts themselves, through their indifference toward all Indian domestic affairs.

Where the missionaries, co-operating with the local representatives of the Government, have tried to bring about better practices by haling offenders before a civil court on a charge of bigamy, or having them bound over to support abandoned wives and children, resort has often been had to a life of mere license under the guise of "marrying in the old Indian way." A young man of strong attractions for the other sex might take to himself a half-dozen girls in as many years, with no ceremony at all and no pretence of one; and as the successively discarded squaws would not take any part in the prosecution of their whilom partner, it was impracticable to bring him to justice. I recall an instance where a young Indian of exceptional natural ability, and with as good an education as the Government could give him, went back to his reservation, took to his cabin one of the most intelligent and winning girls in the tribe—also a graduate of a Government school—lived with her the better part of a year, and then married, with all the formalities of book, priest and ring, a white girl, the daughter of one of the agency employees. On the very day of his regular marriage, the victim of his irregular connection bore him a child. The local missionary, the field matron and one or more of his former teachers united in an effort to make him recognize his obligations, but without avail; and the most strenuous opponent of every plan for compulsion was the Indian girl he had wronged. Her civilized education notwithstanding, she was Indian to the backbone. It was the "way of her people," she protested, and, though tears welled

up in her eyes as she fondled her nameless baby, she had no complaint to make.

Indians are always greatly puzzled by the differences between the sects, and the appearance of hostility so often assumed by one toward another. It has little effect to assure them that all the sects are but parts of one religious body, worshipping the same deity. Doctrinal subtleties are of course beyond the reach of the ordinary Indian's mind, but in matters of discipline he discovers what seem to him serious incongruities. An old chief once expressed to me his deep concern because a missionary had warned his children that they would be punished after death if they broke the Sabbath with their accustomed games, yet he had seen with his own eyes a missionary playing tennis on Sunday. Another raised in my presence, with a sly suggestion of satire in his tone, the question of marriage. One missionary, he told us—referring to a visit from a Mormon apostle several years before—had four wives, and said it was good in the sight of the white man's god; the missionary who preached at the agency school had only one wife, and said that that was all right, but it would be wicked for him to marry any more; but the priest who came once in a while to bless the children had no wife at all, and said that the white man's god would be displeased with him if he took even one.

On the broad area of a reservation, active controversies between missionaries are rather rare. Though each may be tenacious of his own prerogative, it seems to be generally agreed that there is room enough for

all. It is in the schools that the most vigorous ecclesiastical warfare has been carried on. Several years after the enactment of the law putting an end to public appropriations for contracts with mission schools, a question was raised whether this prohibition applied to tribal funds as well as Government money raised by taxation for public purposes. The Attorney-General gave his opinion that it did not. Accordingly President Roosevelt ordered that an Indian who was entitled to participate in a tribal fund should be permitted to contribute his share, or any part of it, toward the support of any mission school he preferred. Two denominations, the Catholics and the Lutherans, took advantage of the order, and presented petitions numerously signed by Indians interested in some particular school, praying for the diversion of so much of their respective shares as might be necessary to support and educate a certain number of children at that school. In order to test the right of the executive to make such a diversion of trust funds, even on the petition of the wards, the Indian Rights Association brought suit in the names of sundry Indians of the Sioux nation to enjoin the Government from entering into contract with the schools in their neighborhood. The case went all the way to the Supreme Court of the United States, which decided against any restraining order, substantially confirming the administration's claim that the money belonged to the Indians, and was properly subject to expenditure in the executive discretion for purposes promotive of their civilization. Funds available for such use, however, are not many, and the worst storm-

centres of controversy have been not the tribal schools, but the big institutions distant from the reservations.

In each of these are gathered pupils from several tribes, who may represent as many different sects. Their Superintendents vary also in liberality of view, and some who honestly believe themselves free from all prejudice seem temperamentally incapable of holding the balance even between the several denominations interested. The Protestants, as a rule, have always wished to hold all religious exercises in common, but the Catholics have been unwilling to do so. As a consequence, it became necessary several years ago to divide the children according to the expressed preferences of their parents and hold two Sunday schools simultaneously. But this did not meet all the difficulties. The Catholics wished arrangements which would insure their children's being carried on Sundays to their nearest church, and being called together at particular hours once in so often for private instruction; the Protestants wanted their children taken every Sunday to one of the Protestant churches; and some programme had to be contrived for the brief assembly exercises in which the whole pupil body was expected to join, so that these, though devotional in character, should be free of offence to any denomination represented.

For experimental purposes I chose an institution whose Superintendent I knew to be broad-minded, intelligent and loyal, and personally liked and trusted by all the local religious teachers. To him I wrote an official letter laying down the principle that, in

religious as in secular matters where several diverse interests are concerned, kind feeling and a spirit of concession go a great way toward smoothing the path of duty for all; and saying that as long as the ministers of each denomination interested in his school were given such exclusive privileges as were practicable with regard to Sunday school exercises and the like, I believed that each could afford, in the arrangement of exercises in which the whole school was to take part, to yield a non-essential point as to anything which was liable to wound the conscience of a neighbor. He fell in with the idea at once, and soon had a programme arranged for his own school which was so good that I sent copies of it, and of the letter which brought it forth, to all the leading schools of the Service.

Later we established another rule for such schools, issuing a circular requiring that in all those which had a contingent of Catholic pupils the Bible reading at the assembly exercises be confined thereafter to the four Gospels and the Acts of the Apostles in the revised version; that the Lord's Prayer be recited as given in the same version, and that a Protestant hymnal be used for the singing, with certain hymns omitted which the Catholics regarded as objectionably doctrinal. Before adopting this plan, I had laid it before the Bureau of Catholic Indian Missions, two Bishops of the Protestant Episcopal church, two Methodist Bishops, one Congregational, one Presbyterian and one Baptist clergyman, selecting only men of prominence in their several communions. I found all heartily sympathetic; and the broad principle at the basis of

the whole matter has, I hope, become so well entrenched that the great schools will never be thrown back into their former chaos of sectarian contention.

One group of employees in the Indian Service has been, and still is, recruited largely from the missionary element. Many of the field matrons began their careers as missionaries sent out by one of the benevolent societies, and were taken over by the Government after serving their apprenticeship. For women of a certain temperament and training, this is a fascinating field of activity. They are expected to cultivate the acquaintance of the women and girls, and try to raise the standard of living among them. The statute defines their function as "to teach Indian girls in housekeeping and other household duties," but the Department has always put a liberal interpretation upon this phraseology. It is surely a part of good housekeeping to take care of the little children of the family, so the best-equipped field matrons are those with strong maternal impulses and some ability in domestic medicine and nursing. If it has fallen upon the women of a tribe, from time immemorial, to weave the blankets or plait the baskets or make the pottery, is not the field matron free to show them, as "other household duties," more economical and more sanitary methods of doing this work, and better means of marketing their products? At the bottom of everything lies the idea of teaching the women how to be faithful wives and sensible mothers and helpful sisters and daughters—of fortifying them in character as well as increasing their mental and physical resources.

How well some of these workers fulfil their mission is evident from the terms of warm friendship upon which they get with the women among whom they live. I met with a marked example of this in an Indian village where, two or three years ago, I had to resort to extreme measures to enforce the compulsory school regulations. The women had hidden their children in their houses, and in order to find them the Government's emissaries had to make use of the knowledge of some one intimately acquainted with every family. With great reluctance, but moved by loyalty, the local field matron undertook to act as guide, pointing out to the searching party the houses in which there were children of school age. She feared, and we all shared her apprehension, that her usefulness at that station would end forthwith. Not so in fact. The Indian mothers, stolid as they might appear outwardly, seemed fully to realize her relation to the Government, and to bear her no ill will for the part she took in the raid; and as soon as the atmosphere was clear again she went on with her work as before, entering on the old terms the very households from which she had helped to take away the children.

We have also the outing matrons for girls, whose duties are in a certain sense missionary: they find employment for the young women who look to domestic service of some sort for a livelihood. They supervise the contracts, formal or oral, between mistress and maid. If a girl so placed falls ill, it is the outing matron who makes sure of her having medical care and comfort, or attends to sending her home; if one goes astray,

the matron follows her up and exhausts every instrumentality to reclaim her. In the rare instances where an estrangement occurs between a very independent or wayward girl and her parents, it is often the outing matron who, as a friend of both parties, heals the breach and restores peace to the household.

While on the subject of girls, it may be said that they present perhaps the most perplexing feature of the Indian problem at large. We can tell pretty well what to do with a boy: give him the opportunity to become a farmer, a mechanic, a stockman, a laborer, and then throw him upon his own resources with a reasonable assurance that he will get along somehow. But a girl is in a different position. Only in exceptional cases does she incline toward the pursuits of her brothers, and nature has impeded any ambition in that direction by certain physical disabilities. Domestic service, including nursing; art or clerical work; or some strictly feminine mercantile calling like dressmaking or millinery, seem to offer her the only outlet for her energy, and, at least in the early stages of her occupation at one of these, she must be watched and guarded. For there is no Indian Mrs. Grundy. Neither the hereditary respect for social conventions, nor the intuitive perception of evil, which causes a white girl to shrink as she approaches the danger line, is operative for the protection of the Indian girl. She is a child of nature; and in a state of nature those instincts remain keen and aggressive which have been blunted in our young women by generations of regard for "the proprieties." She needs therefore to be defended against

herself almost if not quite as much as against a pursuer. It is such considerations as these, little realized by persons who do not come directly into contact with Indian character and life, which make the work of the matrons so important.

As I am closing this chapter, I am asked by a friend interested in missions: "Has the Indian a basic sense of moral responsibility sufficiently robust to be capable of high religious development?" Let me tell you a true story. A number of years ago a group of twenty Indians who had been in controversy with the authorities in Washington entered into a solemn pact not to accept certain money which the Government was preparing to distribute among their tribe in three or four successive payments, because they believed that that would be a surrender of the principle for which they had been contending. Later the questions at issue were cleared up by a judicial decision which left the Indians' protest not a leg to stand on. Nineteen of the twenty, including a candidate for the chieftship who had led the party into their attempt at resistance, bowed to the inevitable, took the money offered them at the next payment, and applied for the instalments then in arrears. The twentieth man, whose English name was Bill, stood out alone in his refusal to touch anything, but refused to tell why. Soon afterward I visited the reservation on business, and he sought me privately and opened his heart. He was poor, and his family were actually in need of some things the money would buy; so I tried to make him feel more comfortable by assuring him that the with-

drawal of the others from their mutual agreement left him free to do as he wished.

"No," he declared; adding, in a phraseology which I shall not try to imitate, "we are all bound by a vow. I swore that I would not take my share of that money, and I must not. The others may change if they choose, but they cannot release me from my oath."

"That is honorable, certainly," I answered; "but if you feel so strongly about it, why did you come to me for advice?"

"There is something you can tell me, and I am afraid to trust the others. I vowed for myself and not for my family, though they have not drawn their shares either. Now, can they get their money even if I don't touch mine?"

I said that I could get it for them.

"What becomes of my money if I don't take it?"

"It will accumulate in the Treasury, and be paid to your heirs after your death."

"You have made my heart glad," exclaimed Bill, laying his hand affectionately on my shoulder while his face beamed with satisfaction. "That is the way I would have it. I felt right in standing out, but I did not want my wife and children to suffer if I were wrong."

A cynic might find the moral of this story to be that only one Indian in twenty is high-minded enough to hold his ground against such temptation. But it would be fairer to temper that judgment with the inquiry, how the proportions would have arranged themselves in a like number of any other race?

CHAPTER XV

PHILANTHROPY AND CRITICISM

The Popular Notion of Philanthropic Societies—A Too Sweeping Verdict—Their Several Fields of Effort—Distinctions Worth Observing—Public Officers and Criticism—Judging as We Would be Judged—How the Societies Are Organized and Managed—Practical Benevolence and the Other Kind—Native Testimony—The Chronic Complainers' Faction—Indians in Shows—Pseudo Scientists and Real.

ONE hears a good deal in disparagement of the philanthropic societies which make a specialty of Indians. They are composed chiefly of persons who know nothing about Indians by direct contact; and it is charged that they criticise without inquiry and meddle without discretion, obstruct progress under the delusion that they are helping it, and would do a good cause their best service by letting it alone. Such sweeping denunciation seems to me about on a level with the proverb that there is no good Indian but a dead one. Because a society with an honorable past happens to fall under the sway of a reactionary element and become somewhat of a by-word among the more intelligent class of citizens, it does not thereby commit itself never to regain its old place in the public respect; and because another makes a mistake now and then, the worst we need think of it is that it is

human. I believe I can speak without prejudice, for I have never been a member of any of these societies; I have performed confidential services for more than one, and thus obtained an intimate view of their inner life and workings: and as a public officer I have received from some of them both just and unjust treatment. It seems to me that instead of accepting them, on the one hand, as impeccable, or, on the other, joining in a philippic against them, the profitable course is to point out, in a friendly spirit but with candor, certain ways in which they can establish and maintain a higher usefulness.

First, I should urge upon them a due realization of their position and relations. They stand between the Government and the public. To the public they look for their support, financial and moral; on the Government they depend for the accomplishment of results, since it is the Government which must, in the last extremity, do the things they desire or prevent the things they object to. Hence, whether it is collecting contributions, or urging a popular demonstration for or against a proposed measure, or pressing its advice upon the powers that be at Washington, the conduct and methods of a society ought to be so above reproach as to commend it to universal esteem. In an emergency which arose in the earlier nineties, the Commissioner then in office showed me one day a waste-basket full of letters of complaint identical in phraseology—all the result of a circular issued by a single philanthropic body—and declared that whatever else of the same sort might arrive would be sent with these

to the fuel bin. Such machine practices, he added, were worthy only of the small politicians, and produced no effect upon him except disgust. During a more recent administration, a responsible officer of a prominent society attacked the Commissioner in the press, inexcusably misquoting him, and basing on this misquotation a call to humane people all over the country to write protests to the President or the Secretary of the Interior. Not a single protest came in to either President or Secretary: this man's influence, once great, had died of shameful misuse.

The next desideratum seems to me a dignified conception of the purpose and scope of a society by its own members. Each has its special field of activity. For example, the National Indian Association, composed chiefly of women, establishes mission stations here and there, and furnishes from them some of the best-tested material for the Government's field matron service; the Indian Rights Association, in Philadelphia, was founded for the purpose of securing to Indians their rights under the law, and promoting new legislation for their advancement; the Indian Citizenship Committee, of Boston, aims at the extension of American citizenship to Indians as fast as they can properly be endowed with it, and its protection after it has been conferred; 'the Indian branch of the Anti-Saloon League of America devotes its attention to breaking up the traffic in intoxicants in the Indian country; the Indian Industries League, with headquarters in Boston, strives to foster public interest in Indian craftsmanship, to save the native arts from degenera-

tion through meaningless designs and poor materials, and to work up markets for the products of Indian looms and forges and potteries; while a score of others have for their respective specialties the instruction of Indian women in lace-making, the purchase of homes for landless tribes, and similar objects.

Sticking each to its own task, these associations can do much good. Danger lurks, however, in the temptation often presented to trench upon each other's domains, or undertake operations not contemplated in the organic law of any. A Government employee, it may be, complains that he has been unfairly treated by his superiors in office; or another is seeking "influence" for a promotion; or a quarrel breaks out at an agency, and each party threatens to report the other's doings to one of the philanthropic associations and cause an upheaval. These are not subjects which come legitimately within the purview of any of the bodies named, and yet they are continually obtruding themselves under association auspices. The effect is to lower the general influence of the society concerned, when its members and prospective members discover the devious ends to which their benevolence is liable to be diverted.

The greatest mistake a society can make in this line is to assume that it exists not for the purpose of helping the Government in its work, but to perform the functions of government itself. Such a proposition, stated in the abstract, looks ridiculous; still, it is a claim constantly put in under a thin disguise of humane intervention. A crisis occurs on a remote

reservation, and the Department undertakes to deal with it in a certain way. That way is not agreeable to some philanthropic association, which, acting on misinformation, airs its objection publicly. Unless the Government responds by surrendering its prerogative and doing something which it believes wrong, everybody responsible for its obstinacy becomes a personal target for attack.

Note the position in which this places both parties. If a Government officer, forgetting dignity and courtesy, retorts in kind, it must be at a sacrifice of his self-respect. If he attempts the thankless task of setting forth publicly his reasons in detail, it means an indefinite continuance of the controversy, to the neglect of his proper duties. If he remains silent, his assailants hail it as a confession that nothing can be said in his behalf. Again, suppose that the officer concerned, dreading to be spattered with mud to no purpose, compromises with his honest judgment in defiance of the spirit of his official oath, and does as he is bidden by his self-appointed instructor; and then suppose that later developments show that he was right in the first place and that his surrender was a blunder: what happens? He is condemned not only by the conscience with which he has trifled, but by popular opinion, which sees only his act and not the menace of persecution that brought it about. Meanwhile, not being officially accountable for anything or to anybody, the society whose bad counsels wrought all the mischief goes its way unscathed, to turn its attention to fresher things and prepare for its next assault upon a citadel

of administration. Is this fair? Is it honorable? Is it in any sense an equitable division of obligations?

Public officers do not object to criticism as such. On the contrary, they welcome constructive criticism as an aid to their work. They do, however, resent mere scolding for things they have never done, and the covert snarl which is but a cowardly attempt at insult. Sneers, innuendoes, petty personalities, are not arguments. They excite only contempt for the censor who, reduced to the use of such weapons, thereby advertises the poverty of his case.

Whether investigation is a function of the philanthropic society, depends on what the term is stretched to include. If a society believes it has scented something wrong in a matter falling within its scope, should it not follow up the scent and bring the offender to justice if possible? Yes, under certain perfectly clear restrictions. It should go first to the Commissioner and state its suspicions, giving him—in confidence, of course—the sources of its information. He it is who has most at stake in the right handling of Indians and their concerns, and who will have the final disposition of this affair; and by his advice the society should be governed. If the Indians are at the moment in a state of abnormal excitement, he may advise waiting a little before doing anything to add to their agitation. If, on the contrary, he thinks the conditions such that a quick, sharp stroke would be most effective, he may wish to push the business instantly to its climax. He may deem it a case where the society should be conspicuously in evidence; or

one where, for prudential reasons, it had better keep in the background for the present. He may wish its agents to carry out some independent research, or it may appear the part of wisdom to have everything done in co-operation. He may, and probably will, ask the society to collect its evidence and act as prosecutor instead of sitting as judge. None of his desires may accord with the designs of the society; but it is for him, after all, to distribute the duties and superintend their performance, for the reins of authority are in his hands alone and upon him must fall the blame for anything that goes wrong.

But, demands the society, how do we know that the Commissioner will be just in dealing with the offences of his subordinates? Friends, look squarely at your own argument. If you are afraid to trust him, with what face can you ask him to trust you? In trusting him, you risk only the failure of your present plan; in trusting you, he risks everything. Because he is not such a poltroon as to let the good name of the humblest member of his Service be wantonly traduced, you suspect that he may be tempted to unjustifiable lenity in such cases as this. Do you realize what that means? To keep bad men in the Indian Service after their character has been discovered is to invoke an endless chain of troubles for the Commissioner, and make his administration a mere monotony of irritation. From no higher point of view than that of selfish comfort, therefore, his prime interest lies in sifting the Service of its undesirable elements as fast as he can. And as for the society, having set out to punish

a man or group of men, is it sure that it is so far above human frailty itself as to be satisfied with anything short of triumph?

By virtue of the very fact which gives an advantage to organized over individual charitable effort—that is, that organization enables the assembling of many units of human energy, to be put forth later in concentrated form through a few channels—the main work of a society of several hundred members usually falls upon, and its influence is used by, its president, its secretary, and possibly an executive committee. These are elected at an annual meeting which is attended by only a handful of the membership, and for which a ticket has already been prepared by an inner circle so that the vote glides through as smoothly as the "slate" of a ward caucus. If any of the men thus chosen is narrow and shrew-tongued, or emotionally ill-poised, great mistakes may be made and wrongs perpetrated in which every contributor to the sustentation fund becomes an unwitting participant. This makes it important that the officers be distinguished for their breadth of mind and sound judgment. If they are going to show the Department how to handle the property of the Indians, they should have proved their capacity by making a success of their own worldly undertakings. If they are going to advise the Commissioner what men to place in certain positions, they ought to be expert readers of human nature, lest they find themselves trying to instruct a pupil who understands his subject better than his teachers. If they are going to direct him how to

govern his three hundred thousand Indians, it would be fitting to inquire at least how well they have managed their own households.

Commonly the officers are chosen, not for their knowledge of Indians, but for the sake of their names, which may serve to attract new members. It is not unusual for one of their number to push to the front and take most of their joint burden upon his single pair of shoulders. I remember the half-humorous, half-pathetic plaint which the president of a large society once confided to me, that his proper authority had been usurped by the secretary; that he was almost never consulted, and but rarely apprized of what the society was going to do; and that in connection with a recent meeting of special interest the secretary had issued the call and invitations, arranged the programme, selected the speakers, and even asked another prominent citizen to preside, apparently forgetting the very existence of his superior officer! This, of course, was a comedy situation, and, as the president had a sense of humor under his grave exterior, no harm was done; but the vista of tragic possibilities opened by such an incident is startling. The subjection of the activities of a large society to the whims of one man is a dangerous condition, if that man happens to be erratic and irresponsible. I knew of an instance where the one man in power, accepting with ready credulity a mass of false information, wrote a personal letter full of untruthful and offensive charges to the then Commissioner of Indian Affairs, who answered it in the only way such a letter

could be noticed—with a request that he be troubled with no further personal communications from the same source. Taking umbrage at this, the author of the letter began to make use of the society for a systematic persecution of the Commissioner, which for reckless vindictiveness I have never seen surpassed.

The officers of a philanthropic association, as well as the rank and file of its membership, derive their information about Indian affairs, and some of their opinions also, from its field agents; so the value of its work and its standing with the public depend in no small measure on the style of men it keeps in these apparently subordinate positions. One who is a gentleman by instinct and antecedents, like the former Washington agent of the Indian Rights Association, Charles C. Painter, commands wide recognition, and whatever information he desires is his for the asking, because he comes for it in a manly way. His reports are believed by men of high character, because he belongs in their own class, being frank and courageous, and loving truth for truth's sake. One of the opposite stripe soon makes himself despised among honorable men, and has to find his intimates among those of like kidney with himself, who can aid him in stabbing at a reputation or two in every bulletin he sends to his employers.

Apropos, the attitude assumed by some philanthropists toward every one in public life is indefensible on grounds either of common sense or of common custom. Let us suppose that a man enters the Government who has always borne a fair name among his

fellow citizens, including those who have known him most closely from boyhood. He is not a politician or an office-seeker, but neither was he ever known to shirk responsibility when called upon to shoulder it. Since from his official vantage-ground he can see every subject within his jurisdiction from the inside as well as the outside, and how one case interlocks with a hundred others governed by the same generic policy, he is better fitted to judge of the actual merits of a question than any person so situated as to see only one phase of it. So the whole test of his efficiency is reduced to this: is he a man of habitually sound judgment and of established integrity of character?

Were such an inquiry put to us with regard to one engaged, not in the administration of public affairs, but in some money-making business, we should reason about in this wise: "He was esteemed an upright citizen when he was in the shipping trade, and it is folly to assume that because he has lately become a banker his whole character has undergone a change. As to his judgment, has he made a success of his undertakings generally? Has he assumed large responsibilities and frittered them away, or grappled with small opportunities and made them big? Has his home a wholesome atmosphere? Do his employees believe in his justice and his straightforwardness? Do his business associates and competitors respect him, independently of any personal likes and dislikes?"

Apply the same logic to our friend who has entered public life. Has his whole nature been made over by his passing change of occupation? Is he any the less

an honest man or a gentleman for it? Are not his companions as competent as ever to estimate his worth? Is not his word as valuable when he makes a statement concerning the interests in his custody? Has he lost any of that real pride which has always impelled him, when he discovers that he is mistaken, to acknowledge it freely? Has his judgment so collapsed that it can no longer be trusted, even though we may not know all the complex reasons which have led to its conclusions? Is he any the less keen in guarding his own honor and requiring those under him to guard theirs?

If his administration is assailed for some specific policy, look at the records and see whether the same policy has not always been followed, but passed over in former instances without complaint. This will determine whether the hostilities have a sincere origin, or are merely a cloak for personal revenges. Inquire who instigated them. It may be that they started with some discredited peddler of "sensations" to the yellow press, by whom our officer declined to be blackmailed; or with some hired informer who has not been able to terrorize him; or with some one of respectable social position but childish credulity and fanatical temperament, writhing under a rebuke he has brought upon himself. Those of us who know the world have met many such human types, and learned to give them a wide berth in secular affairs; what is there, then, to justify our showing them greater consideration in others?

As long as bearers of false witness are so diligent in

the pursuit of their calling, how can the general public avoid unjust judgments? It may not be possible to avoid them entirely, but much could be accomplished by not accepting wholesale one side of a story till the other side has been heard. A few years ago, at a meeting of a philanthropic society in a New England State, the orator of the evening vehemently attacked a certain measure taken by the Government in Indian affairs, and at his instance the gathering adopted a condemnatory resolution and sent it to Washington. A week or two later a speaker whose sympathies were with the other side, addressed a sister society, which, after he had gone, held a meeting of its own accord and adopted a resolution commending the Government, and this went to Washington also. Now, suppose that the authorities at Washington, instead of understanding their subject and having a plan ready to execute, had been waiting to ascertain public sentiment: which of these resolutions must they have accepted as representing the best thought of New England?

Another good idea for the philanthropists is to cultivate a sportsmanlike spirit, always state their adversary's case as fully as their own, acknowledge their errors as cheerfully as decent people do in private life, and take defeat or victory with equal grace. When I entered upon my duties as Commissioner I inherited a quarrel between a reservation Superintendent and two of the local employees. A Special Agent had investigated it and reported in favor of the Superintendent; but a number of Eastern philanthropists had besieged the Indian Office to discredit the report and

order another investigation. I asked them whom they would recommend to conduct this proposed second inquiry, and they united upon one of our Supervisors, declaring that he was courageous and honest, had the judicial temperament, and could be trusted to get to the bottom of the difficulty. I telegraphed him to go at once to the scene of trouble, disregard everything done up to that time, and report his independent findings.

He did so. His report not only upheld the Superintendent, but enclosed the resignations of both of the defeated employees. Those complainants who were business men promptly admitted that there was nothing more to be said; but a few others continued to pursue the Superintendent with one absurdly false charge after another, and kept the Indian Office busy for a year afterward with futile correspondence, to the detriment of really deserving causes which were waiting for a chance to be heard.

A relief for this picture is furnished by a woman who wrote me on behalf of her association, protesting against what she conceived to be a fresh instance of race aggression in California, where she had heard that one of our Superintendents was letting into his school a number of white pupils; but she assured me that she was keeping her own counsel, so that I could act without needless publicity. I referred her to my recent annual reports, and to legislation I had obtained from Congress authorizing the very thing the Superintendent was accused of doing, as it was part of my policy to encourage the friendly mingling of the races.

in childhood. There came back a letter full of sympathy with this plan, which she had not happened to notice before in our official literature. Her desire to co-operate, instead of priding herself on picking flaws, was no cheap pretence of the lips but a genuine mental attitude. She was seeking not her own glory but the welfare of the Indians; she was ready to take for granted the good faith of the Department, just as she expected it to accept hers; and, having found that she had made a mistake, she joined hands at once with the Government in a worthy undertaking.

Animated by a like spirit was the woman of distinguished ancestry and fine associations who dropped the pleasures of her life in the East to go for me on a confidential mission to an Indian tribe which had fallen into the clutches of the whiskey men and the land-grafters. She spent a whole season among them as an ordinary summer visitor without exciting suspicion, observed local conditions keenly and laid her finger on the spot which needed administrative healing. All that has since been accomplished for those Indians is due to the intelligence with which she collected the data needed by the Department—not hybrid gossip, but pure fact.

Again, take the case of the young college professor who, getting an inkling of mischief in sundry land transactions on a Northern reservation, came to us about a year ago, frankly stating his fears, his reasons for entertaining them, and the sources of such information as he already possessed. Sent to the scene of the transactions, he returned with a mass of material

which, as soon as it could be digested, was handed over to the law officers of the Government for action against the alleged malefactors; and from my knowledge of Commissioner Valentine I predict that if there is any lack of energy in the prosecutions it will not be due to the negligence of the Indian Office. Neither of these volunteer assistants—and they are merely a few of the more conspicuous—was disturbed by doubts whether the Department really wished to punish wrongdoing; but they were seeking only justice, not revenge or notoriety.

Philanthropic work by untrained hands in the Indian field sometimes suffers from ignorance on one or two points which are an old story to the experienced, such as the uncertainty of Indian testimony, and the effect of factionalism in a tribe upon both witnesses and inquisitor. I have heard members of a tribe threaten each other, and Indians threaten agency employees, with "investigation" by one of the philanthropic societies, with the obvious notion on both sides that such investigation always means conviction. This appears to have grown largely out of their observation that the side which presents the first appeal to the sympathetic inquirer is apt to capture him, so that he ceases to be an umpire and turns advocate. As to testimony: if you know that an Indian saw a certain thing happen, you can depend upon him to describe its external phenomena with marvellous fulness of detail. But when the issue harks further back and involves the primary question whether the thing actually ever did happen, look out for your witness; it

becomes of the highest importance then to know all about his antecedents, of what family and faction he is a member, what his relations are with the several parties immediately concerned, and even what he has reason to believe the investigator wishes him to say. More than one Indian witness has confessed to me under close interrogation, when we were alone and face to face, that substantially every sentence he had uttered on the stand was untrue. Words are wasted on that kind of man if you attempt to make him appreciate the enormity of his transgression. The social ostracism of such offenders, which among whites is a potent force in behalf of outward good conduct at least, is without any precise parallel among Indians. They recognize the difference between good and bad men, as we do; but to be exposed as a bad man in matters of this sort does not mean the same thing among them as among us.

White sentimentalists are liable to misinterpret the factional divisions which confront them on every reservation. That element in a tribe who are chronic complainers find time for such activity by spending so little in any other. We have a corresponding class of white people, but in our rapid life their worthlessness is so apparent that they are given the cold shoulder; whereas the visitor to an Indian reservation who is hunting only for badness welcomes them with their tales of trouble. Go to their farms and you find the fences down, the cattle astray, the fields growing up to cockle-burrs, the home in disorder. Seek the reasons for this, and you discover that the owners have not

done anything there for most of the season, having been absent consulting lawyers or attending secret councils of malcontents. Referring to the census, you probably discover that these men constitute only a modest fraction of the population of the reservation. Then you wonder why, if matters are as bad as represented, the whole tribe, or at least a majority of its members, have not come to you with similar stories. You find the rest apparently getting on pretty well: at any rate, they are too busy with their regular occupations to be chasing up investigators. Ask the malcontents to explain this, and they will tell you: "Those are the Agent's pets. The farmer takes good care of them." Watch the farmer, and you will see that the way he "takes care" of them is to answer their questions and show them how to do the work needed on their allotments. He is equally at the call of the grumblers, but they have nothing to ask of him: they are wholly absorbed in their secret meetings, and their travels in search of evidence in support of their complaints.

Judging them by the standards prevailing anywhere outside of the realm of sentiment, no man of ordinary sense would have any trouble in deciding which of these factions is the more worthy of support. It may be that the fault-finding minority is made up largely of returned students—"educated Indians," as they are prone to style themselves—and mission converts, and "progressives" of the strictly professional type; and that the self-effacing majority are still pagans who do not know their A-B-C's, who wear their hair in long

braids and who live in tepees; and yet the latter faction may be earnestly trying to attain a good thing for its own sake, while the former are only restless, and aspire to climb to power on the odds and ends of Caucasian civilization which they have picked up for that purpose alone. Still, it is the minority whose cause seems oftenest to approve itself to the philanthropic field emissary. Every time a crowd of malcontents are arrested for inciting riot or for conniving—of course, in behalf of “the freedom of the Indian”—at bringing whiskey into their reservation, the culprits denounce this in bitter terms as an outrage upon human rights; and, if their cry reaches far enough, you will hear its echoes ringing from a dozen Eastern centres of philanthropy. The good people who join in the tumult have no idea that they are encouraging lawlessness: they have simply fallen into the habit of thinking that, in any difference between the Indian and anybody else, the Indian must be always right and his adversary always wrong.

In an earlier chapter I showed the illogical position in which one body of philanthropists recently placed themselves in pressing the Department to take “more urgent steps to enforce the prohibition” of Indian dancing, at the very moment that another body were contesting in the courts its right to take such steps even for the protection of peaceable Indians from brigandage. Equally thoughtless, I fancy, has been the siege kept up for some years on successive Commissioners, by persons bent on preventing Indians from becoming actors in Wild West shows. Their

assumption seems to be that the Indian Office encourages Indians to join such shows and spend their time travelling about this country and Europe instead of settling down at home and following some quieter productive calling. As a fact, the Office has no more to do with this practice than with any other by which Indians seek a livelihood off the reservations. Furthermore, under any rule of law which guarantees to an Indian the right to move whither he will as freely as a white man, there is no way to prevent him from joining a show if he wishes. The Department has power to forbid a canvasser for a show to enter a reservation, and it does refuse permits to disreputable showmen on precisely the same ground that it would refuse them to disreputable farmers or physicians or merchants; nevertheless this class of showmen gather bunches of Indians for their companies by correspondence, even when physically excluded.

So the Department has been faced with the alternative of sitting still and letting the low class of showmen outstrip their respectable rivals, or minimizing the possible dangers in these transactions by the exercise of a little paternalism. To a showman who is known to give a decent exhibition, take good care of his employees, pay them their wages regularly, and keep liquor-peddlers and other disorderly characters at a distance, it has been in the habit of issuing a note of introduction to the Superintendent of the reservation from which he wishes to recruit his Indian contingent. The Superintendent sees that iron-bound contracts are drawn, supported by heavy bonds; he

also uses his influence with the Indians to deter those from going away who are most needed at home. Under a clause in the contract form the manager is to retain a certain percentage of an actor's wages until the actor returns to his reservation; hence most of the show Indians come back to their families with a comfortable sum to their credit, and some notion of the practical wisdom of saving a few dollars.

As an occupation, the show business may not be particularly exalting, but as much can be said of many a vocation entirely reputable in itself. It does give its votaries a chance to see something of the world, teaches them a little about taking care of themselves, and proves to them that it is possible to enjoy a life of freedom without getting drunk or running into other excesses. I have heard the complaint made that it is degrading to an Indian who has taken a few steps up the path of civilization, to let him don his fanciful toggery once in a while and imitate the warriors and hunters of his race in a past era; yet the same critics raise no protest against plays like "Samson" or "Macbeth," or those laid in the time of the Crusades, which depict the life and manners of our own race when it was still in a semi-barbarous state. I have known a good many Indian tent actors, and I have yet to meet one who is not perfectly appreciative of the difference between the old and the new, the real and the imitation, in spite of the fact that twice a day he puts on buckskin leggings, sticks feathers in his hair, and gallops his pony around an ellipse of tanbark.

There is another side to the spectacular business, however. A performance depicting the old frontier life has at least a certain educative value; but when a manager came begging for permission to take Geronimo from place to place and make a peep-show of him at so much a look, or permit visitors to shake his hand for a fee, I refused to have anything to do with it, as a piece of low sensationalism. Geronimo's sole value as an exhibit lay in the fact that he bore the name of being the most inhuman butcher who ever raised hand against his fellow man; and it seemed to me that the only effect of carting him around the country for idle people to stare at for pay, was to put a money premium upon cruelty and feed a morbid craving for horrors.

This chapter would be incomplete without some mention of a small company of white friends of the Indian who undoubtedly consider themselves entitled to a place in the philanthropic category, and yet who are distinctly separated from all others there. I refer to the pseudo-scientific element. The real scientists, though they may regret the passage of old things before they have had a chance to study them thoroughly for the purposes of their calling, are perfectly conscious that a change in the life and thought of the Indian is inevitable. Their only plea is the humane one, that he be allowed to grow out of the old order and into the new by a natural process of development, instead of being goaded or dragged. I sympathize entirely with their view. But many persons who pose as scientists, and possibly believe themselves

such, are so unscientific as to ignore the evolutionary forces which are bound to affect the Indian as they affect the rest of us. To their minds it is a crime that the Government does not put a stop to the settlement of the West, and halt every engine of progress at work for our own race, in order that the Indian may be left undisturbed as a social nonconformist and a human oddity. They complain that what we style "the American spirit" is gradually eliminating the most picturesque feature in the population of the country; and I have heard the Government denounced by this class for "standardizing the red race" and "reducing their artistic ideals to the commonplace," because, forsooth, it was trying to surround the Indian home with sanitary defences against an epidemic of disease! As to this group of critics, it suffices to state their case and leave it to the public judgment.

CHAPTER XVI

THE INDIAN TERRITORY EXPERIMENT

How the Indian Territory Came into Being—Setting an Untrained Race to Found a Republic—The Governments of the Five Civilized Tribes—White Outlawry and Native Graft—A Long Reign of Terror—Interference of the Federal Government—Reducing Chaos to Order—The Segregated Coal Lands—Applicability of the Incorporation Plan—Birth of the State of Oklahoma.

No primitive race of men, attempting to govern themselves by methods which, however well adapted to an advanced civilization, are alien to their own traditions, has made a success of the enterprise. Nor is this fact to be counted to their discredit in making up our judgment of their natural equipment of character and capacity. For the methods in question were a product not of divine inspiration but of human evolution: they have grown gradually out of the needs of the people who formulated and employed them, and the primitive race to whom they were handed ready-made had no share in bringing them into existence or putting them into practical shape. Imagine, in classic times, a community of Goths set at the task of converting itself into another Athens, with the physical beauties, the code of law, the learning and culture which distinguished that intellectual

leader of the world; then you can conceive in a measure of the problem which confronted the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles when they were planted on the tract set apart for an Indian Territory, far removed from the atmosphere of our civilization, and undertook to build up there alone a commonwealth akin to that which the fathers of our Constitution had founded and christened the United States of America.

True, the name given to this federation of Indian nations was the Five Civilized Tribes; but such a designation meant nothing more than that the members of these tribes had been living in the midst of our white population and were therefore assumed to have become thoroughly indoctrinated with its spirit. The assumption was unwarranted. The more intelligent of the Indians knew something of the externals of our institutions, but even they had never absorbed the spirit of the system of self-government prevailing among the whites. That system must be grown into, as it were, by any one who would understand it; but the Indians had not made themselves part of the body politic as a naturalized immigrant does, and such familiarity as they had with the system was the result of study from without, like the knowledge one gains of a foreign language by memorizing its vocabulary after the sympathetic plasticity of youth is past.

Up to 1830 the tribes named had occupied in their tribal capacity various parts of five States east of the Mississippi River. The steady development of these

States had brought sharply before the minds of the people the irrepressible conflict between the progressive civilization of the whites and the conservative habits of thought and traditional customs of the aborigines. It therefore became apparent to Congress that some other disposition of the Indians must be made; and with the ready ingenuity of a generation which is willing to let posterity wrestle with its own perplexities, the leaders of that body devised the plan of giving the tribes, in exchange for their lands in North Carolina, Tennessee, Georgia, Florida and Mississippi, a home so far west that it would probably never suffer from the encroachments of white men. So an act was passed authorizing the President to set apart certain districts in the public lands west of the Mississippi for the reception of those "tribes or nations of Indians who might choose to exchange lands then occupied by them for such districts and remove thereto," and "solemnly to assure any tribe or nation with which such exchange is made that the United States will forever secure and guarantee to them and their heirs or successors, the country so exchanged with them."

This was the origin of the Indian Territory. It was a beautiful, fertile, and, as has since been discovered, richly underlaid country. Whether its value was then guessed by any of the officers sent to spy it out and mark its boundaries, nobody knows. All that appears on the historical record is the fact that it was set apart with the distinct purpose of providing a place for a pure Indian community beyond the influ-

ence of white people, just as the republic of Liberia was established later in order to enable the Negroes transported thither to work out their own salvation undisturbed; and every treaty negotiated with the five tribes from that day till 1866 was based on the same idea of the exclusion of the Indians from the whites and the non-participation of the whites in their political and industrial affairs. The only break in the programme, till the general reorganization began, was when, in 1889, a large irregular tract not then occupied by these tribes was cut off and erected into a separate Territory under the name Oklahoma.

To how little practical advantage the lawmakers of eighty years ago had studied the philosophy of social evolution was shown by the outcome of this experiment. The more clever element among the Indians forged promptly to the front, and in due course built up something not unlike the loose Confederation of our emancipated Colonies after the first war with Great Britain. Each of the tribes settled down in its own district and established there its own government, with a Principal Chief or Governor for its executive head, a National Council or Legislature, and a small regiment of officers of less degree. It had its periodical elections, sometimes followed by a contest in which the struggle between the *de facto* and the *de jure* claimants paralyzed public business for a while. The several tribes or nations were united by no mutual bond stronger than the native tie of race and a common dread of interference by the Government of the United States.

But of course human nature presently asserted itself, and the party in power mastered the Caucasian trick of perpetuating its hold and making hay while the sun shone. The popular institutions degenerated by degrees into mere shells underneath which the Indian practice of patriarchal rule went on under a change of names and forms. The Principal Chief assumed the authority and responsibilities of a chief in a nomadic tribe; he was recognized as the father of his people, his reign was that of a good-natured petty despot, and when any of his poor and ignorant constituents left their shanties in the river bottoms and came up to the capital they expected to enjoy his hospitalities. The legislative body voted away the tribal revenues as briskly as a board of aldermen bores into a city treasury among ourselves, but otherwise was like the council of an ordinary tribe, except that it observed a certain formality in its proceedings and aimed to keep a record of them. The courts acquired so oriental a character that at one time within my recollection a Secretary of the Interior had to interfere on grounds of simple humanity, and threaten armed compulsion to save the life of an alleged culprit condemned to death on highly unsatisfactory evidence.

White people poured into the Territory like an animated flood. The existence of one republic inside of another had some most inviting concomitants for a class of men who had found life in the higher civilization uncomfortable. A reprobate who could not keep out of the clutches of the police within the jurisdic-

tion of any State or of the federal Government, could jump the Territory line and feel perfectly secure: the outside minions of the law could not invade this exclusive Indian domain, the courts there had no concern with offences committed elsewhere, and no extradition machinery was at work. Adventurers who believed that in so fruitful a country there was a future for whoever could get a foothold, slipped in and found Indian women willing to accept them as husbands. Missionary societies sent in a better element, but even their presence served to swell perilously the heterogeneous wave which was fast submerging the aboriginal surface.

The Government of the United States has often been blamed for not carrying out its guarantees and sweeping the country free of intruders; but every one who was in that region in the later days of unrestricted Indian rule knows that such a campaign would have required a larger army than the United States possessed, and that the first persons to resist any attempt at the indiscriminate removal of whites would have been the governing class of Indians themselves. What they wanted, as some of them admitted to me at the time, was to leave those whites undisturbed who were helping, as they expressed it, "to build up the country." The best proof of the dominant sentiment on the subject was the course of the Indian lawmakers in admitting to citizenship those whites who married members of their tribes, and the devices adopted both publicly and privately to attract into the Territory any who would pay for licenses as traders, or farm the

land, or practise medicine or law. It is but just to say, therefore, that when the Indians found their intended isolation destroyed and themselves overrun by a population of strangers outnumbering them five to one, it was less the result of neglect at Washington than of their own abandonment of the policy with which they had entered upon their experiment.

As the country just outside of the Indian Territory filled with settlers, matters inside went from bad to worse. Owing to the lack of any provision for common schools open to white children, a new generation was growing up in ignorance and immorality. Graft, large or petty, was ostentatiously visible wherever one came into contact with local public affairs. Towns of mushroom growth, which owed their beginnings to a concentration of white intruders at some point for mining or market purposes, were without sanitary or police regulations, so that swine and cattle ran at large everywhere, the wells were polluted with sewage dumped in the open, and it was unsafe to go about the unlighted streets at night. Gangs of outlaws infested certain neighborhoods, and from time to time held up stages and trains, robbed travellers and station agents, and wantonly shed the blood of harmless persons, always with full assurance of impunity. I remember well a drive I had to make between sundown and midnight in an army ambulance over thirty-odd miles of very uncertain road from Fort Sill to Chickasha. Bill Cook's notorious robber gang had been operating in that neighborhood, and the two soldiers who accompanied me never let go of their carbines for the whole

trip. On another night I was on a railroad train when we ran at full speed past a way-station at which we had been signalled to stop, because the conductor had received a cipher telegram warning him that Bill Cook was making preparations for a raid somewhere near that point. The local reign of terror could hardly have been more complete.

By 1893 the situation had become such that Congress decided to take steps looking to ultimate Statehood for the Territory. The Senate committee having charge of the subject reported of the Five Civilized Tribes "that their system of government cannot be continued; that it is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indians and the whites alike, and such change cannot be much longer delayed. There can be no modification of the system. It cannot be reformed; it must be abandoned and a better one substituted." And in the Indian appropriation act of 1896, Congress declared it "to be the duty of the United States to establish a government in the Indian Territory which will rectify the inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof."

The burden of preparing the ground for the change fell upon the body first popularly known, in honor of its chairman, as the Dawes Commission, and later as the Commission to the Five Civilized Tribes. It was no small task to procure agreements with the several nations preliminary to the allotment of lands in sever-

alty, because the forces of greed were marshalled solidly against any interference with a state of things which was enriching the shrewd few at the expense of the ignorant many. The end was accomplished, however, by patient diplomacy and plenty of hard work; and with the ratification of the agreements by Congress the allotment of lands began. It will not be necessary to cripple our narrative by rehearsing in detail the progress of events during the next few years. Let it suffice that by successive acts of Congress the Five Civilized Tribes were shorn of their governmental functions; their courts were abolished and United States courts established; their chief executive officers were made subject to removal by the President, who was authorized to fill by appointment the vacancies thus created; provision was made for the supersession of their tribal schools by a public school system maintained by general taxation; their tribal taxes were abolished; the sale of their public buildings and lands was ordered; their legislatures were forbidden to remain in session more than thirty days in any one year; and every legislative act, ordinance and resolution was declared invalid unless it received the approval of the President. The only present shadow or fiction of the survival of the tribes as tribes is their grudging recognition till all their property, or the proceeds thereof, can be distributed among the individual members. As one of the federal judges has summed it up, this is "a continuance of the tribes in mere legal effect, just as in many States corporations are continued as legal entities after they have ceased to do

business and are practically dissolved, for the purpose of winding up their affairs."

Such a lingering death was rendered necessary by various circumstances like the discovery several years ago, in the Choctaw and Chickasaw country, of about a half million acres of land containing coal, petroleum and asphalt deposits of undoubted value. It was surveyed and excluded from the operation of the allotment laws, to be held as the property of the two nations jointly. This tribal estate, known as the "segregated coal lands," the Government has been administering ever since, making leases to parties who could and would develop the underground resources, collecting royalties from the lessees, and using the proceeds as an educational fund for the children of the tribes interested. There has been a wide diversity of opinion among members of Congress who have had to handle directly the business of the Five Civilized Tribes, the officers of the Indian Service, and sundry outside capitalists who have volunteered their advice, as to what disposition should be made of the segregated tract, which in the ordinary course of things can hardly remain the common property of the two tribes after the latter have absolutely gone out of existence. The Indians generally favor the outright sale of the lands, with all the mining rights and privileges pertaining thereto, to whoever will give a high enough price. The trouble with that proposal is to know what price would be adequate. The extent of the deposits must be more or less a subject of conjecture, and the Indians and the Government would therefore

have to take a gambler's chance, with the odds rather against them, as no expert purchaser of mineral lands would be willing to pay for this tract more than his lowest reasonable estimate of its worth, and his estimate would be conservative.

By way of bringing into notice my plan for the incorporation of Indian tribes and giving a concrete example of its operation, I adapted it in 1906 to the conditions then existing in the Choctaw and Chickasaw nations, threw it into legislative form and laid it before the leading members of the Senate and House Committees on Indian Affairs. Both chairmen were sufficiently impressed with its practicability to introduce it, with a few immaterial modifications, in their respective chambers almost simultaneously. Although it may never become law, I am as strong a believer in its underlying principle as on the day of its submission; and it seems to me important enough to justify a brief review of its provisions in this place.

The bill creates a corporation under the title of the Choctaw-Chickasaw Coal, Oil and Asphalt Land Company, in which one share of stock is to be issued to each member of the nations named. The capital stock of the company is to consist of its assets, a provision which of course rules out all possibility of watering. Its officers are to be the President of the United States, ex-officio president; the Secretary of the Interior, ex-officio treasurer and transfer agent, and the Commissioner of Indian Affairs, ex-officio secretary; and these officers, together with the Secretary of the Treasury and the Secretary of Commerce

and Labor, both acting ex-officio, and one member of the Choctaw and one member of the Chickasaw tribes elected by the stockholders, shall constitute the board of directors. The ex-officio directors are of course to serve without pay; the fact that they are continuously in office and constitute a majority of the board would keep the Government always in control of the business; and it would go on, through its responsible representatives, administering the estate as it has done heretofore, making leases and collecting royalties as long as there are assets in sight and the company remains in existence. But the proceeds, after deducting a proper amount for running expenses and a modest surplus account, would be distributed, not as tribal annuities, but as corporate dividends. This would complete the change of the whole business from a communal basis foreign to our national institutions and our social order, to the basis of personal ownership and combination on which substantially all great industrial enterprises of our day are conducted.

While my bill was pending, I invited the freest criticism of it. Most of the comments took the form of inquiries, and a few of the more sensible of these I collected for answer. Let me cite one or two as samples. Would the Indians, with their well known improvidence, be able to hold fast to their stock? Yes, as long as necessary. The Secretary of the Interior is now the officer charged with the responsibility of deciding when an Indian is capable of taking care of his own affairs, and hence fit to be trusted with the disposal of his private property. As ex-officio transfer

agent, he would exercise the same authority, for no share of stock could be transferred without his signature; and this would be a sufficient protection for the incompetents. What would become of the stock that was transferred? It would probably pass in most cases into hands other than Indian. Or, should it be deemed desirable, there could be inserted in the charter of the company a requirement that the company itself should always enjoy the privilege of a preferred bidder if it were willing to give a shareholder the same price offered by a would-be purchaser from outside; this would enable the Indians to keep control of their property as long as they wished to. However, no harm would result from the dispersion of the stock gradually, if other persons wished to pay the Indian shareholders a price which would be of more value to them than their participation in the uncertain income and distributive assets of the concern.

An important end to be gained by putting this segregated coal lands proposition upon a thoroughly businesslike basis is the assurance to each Indian interested of a definite bit of property which is actually his, and which cannot be diminished in value by the acts of anybody but himself. Under the communal system of ownership by which these lands are now held, every person's share dies with him, for there is no such thing as individual inheritance of that which is owned by everybody. We are trying to train our Indians in the idea of individual property, as the only hope of teaching them how to take care of property at all. They will never learn this lesson under com-

munism; but the plan I have suggested offers a means not only of cultivating the interest of the present generation in its own possessions, but of stimulating in it that wholesome impulse to thrift which comes from the hope of having something to hand down to a generation yet to come.

In 1906 Congress passed an act "to enable the people of Oklahoma and the Indian Territory to frame a constitution and State government and be admitted into the Union on an equal footing with the original States." Somewhat in contravention of its general attitude and sentiment as reflected in former legislation dealing with the Indian Territory exclusively, in which it had been at great pains to cultivate the idea of the wardship of the individual Indian, it put into the Oklahoma enabling act a provision that all male persons over the age of twenty-one years, who are citizens of the United States or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates. Here was a direct recognition of these Indians as no longer wards but citizens; and for the purpose of keeping such recognition well to the front, the mixed communities in the Indian Territory elected a number of Indians to serve as delegates in the constitutional convention.

In the opinion of most persons conversant with conditions in that Territory, it was an unwise step to unite it with Oklahoma in a common State until the Indians had become better grounded in their new civic status; for, as regarded the further protection of the Indians by the United States Government in any particular, this was plainly the beginning of the end. But the time seemed ripe for the admission of Oklahoma as a State; the momentum of this main idea carried with it the combination plan, without which it appeared that the enabling act could not have got through; and the sentiment among the mass of the white people concerned was strongly set in favor of throwing off as much as possible of the burden of the Indian as a dependent, and his reduction to the common level of American citizenship. Any one who doubts the wisdom of the policy I have advocated so heartily, of pushing the allotment of lands in severalty and the opening of reservations while the friends of the Indian still hold the balance of power in our national councils, is respectfully referred, for a forecast of what is liable to happen if we delay till the other element obtain ascendancy, to this closing chapter of the Indian Territory experiment.

CHAPTER XVII

AS THE NEW DAY NEARS ITS NOON

What the Future Has in Store for the Indian—Absorption and Merger—Intermarriage of the Races—The Squaw-Man and His Mixed-Blood Progeny—Some Prevalent Errors Challenged—Distinguishing Mixed from Pure Blood—The Family Record Book—Fighting Disease and the Liquor Evil—Could the Indians Produce a Booker Washington?—A Parting Message of Appeal.

FOR years it has been my habit, at the close of a speech on the Indian problem, to invite questions from the audience, and almost invariably the first one has been: "What is to be the ultimate fate of the Indians?" When I have answered that they were to be absorbed and merged with our own race, the subject of mixed marriages has been raised, and my opinion asked as to their wisdom or unwisdom. Intimately speaking, it may be said that, for persons very sensitively organized, so close a union as marriage with those of widely different ancestry, associations and mental habits is always a hazardous experiment; but regarded in its broader aspects, the intermarriage of Indians and Caucasians has nothing to condemn it. There is no barrier of race antagonism to overcome, for the Indian and the white mingle everywhere on a legal and social equality; and the offspring of such a mar-

riage derives from each of the parent races certain traits which work well in combination. With his Indian blood he inherits keenness of observation, stoicism under suffering, love of freedom, a contempt for the petty things which lay so heavy a burden on our convention-bound civilization; with his white blood the competitive instinct, individual initiative, resourcefulness in the face of novel obstacles, and a constitution hardened to the drafts made upon its strength by the artificialities of modern life.

A good deal has been said and written in derogation of the squaw-man, or white husband of an Indian woman. He is represented as a low fellow, who cannot live in civilization and has been forced to seek refuge in a place where his idiosyncrasies will not attract too much attention. The half-breed, too, is usually depicted in romance as a scheming rogue, capable of any mischief he can commit on the sly, and often murderous in disposition when he has vengeance to wreak. These are as unjust as most such generalizations. Many of the old squaw-men are good citizens. Their occupations as hunters and trappers, guides, woodsmen, scouts, miners, telegraph and railroad builders, pony express riders, or other work in the pioneer line, necessarily carried them into the wilds and kept them there. Indians were almost their sole companions, and the camp was the only home they knew. Few white women ventured into the region, and those who did were already married if they were of the marrying sort.

What might have been expected happened: the

pickets of civilization adopted the life of the country into which fate had thrown them, and married Indian women who could cook their meals, take care of their cabins, and share uncomplainingly their excursions through forest or desert. The men were hardy, fearless, sharp-witted. I count a number of them among my best friends in the West. Their manliness, their ability to turn their hand to anything, and their efforts to improve themselves and get a little taste of the better things in the world, give them a strong hold on my liking as well as my respect. Their homes are characteristically Indian in one particular—the silence and self-effacement of the mistress in the presence of strangers; but you can find among the squaw-men as true husbands and as faithful fathers as the best in our social centres. They have brought up their children as well, and given them as good an education, as their circumstances would permit, and the influence of their advice and example on the tribesmen around them has been excellent.

As against these, we are bound to take notice of some who deserve the worst that has been said of their class. They are dissolute, dishonest, treacherous, with no sense of accountability to any power on earth or above it. To the Indians they are objects of loathing, and to the local representatives of the Government a constant source of irritation. Many of them never thought of marrying Indian wives till the allotment laws put a premium on such marriages by holding forth to the head of every household the prospect of controlling an acreage of land proportioned to the

size of his Indian family. If we despise men who marry heiresses of their own race for the sake of an idle life, what shall we say of those who seek unions with women in a lower stratum of civilization with no worthier end in view?

Once while travelling in Montana, I was approached by a squaw-man who proclaimed himself a victim of official persecution and asked me to interfere in his behalf. An Indian Agent, he said, had driven him off the reservation on which his wife lived, and threatened to punish him if he returned. Although not favorably impressed with his looks, I made some investigation of his case; and found that the Agent in question had been in the habit of warning all white men who came to the reservation on wife-hunting errands that, if they married Indian women, they must do for them what they would do for white women under the same conditions—take them away, establish them in civilized homes, and support them. The man who appealed to me had assented to this programme but immediately broken his pledge by settling down in his wife's home; he had therefore been notified to leave the reservation in a certain number of days and stay away.

Strong measures seemed amply justified in this case, because the squaw-man proved to be a scamp who had left a noisome trail behind him wherever he had lived. Nevertheless, I suggested to the Agent that although I sympathized with his desire to keep his reservation clear of human riffraff, and believed with him that a man who thought enough of a woman to marry her must think enough of her to support her also, yet his

rule would be hard to administer consistently. Suppose the man were willing, but the woman were not: had she not an equal right to decide where their home should be? The chances were that she would prefer to remain among her own people, and what must the husband do then? To send him away alone, on no better ground than that he was not able to induce his wife to accompany him, would be to defeat at least half the purpose for which the rule was framed. If he were of bad character, as in the present instance, that would be reason enough for excluding him from the reservation, married or unmarried; but if he were reputable, however ignorant and unrefined, it seemed to me a mistake to make him the victim of a general order whose unvarying enforcement might break up more families than it benefited. A better practice, I thought, would be to hold every intermarried white on the reservation to a rigid account for the way he cared for his family, and banish him promptly if by a life of vagrancy he set a bad example to the surrounding Indians.

As to the progeny of mixed marriages, it is equally impossible to generalize justly. The child of one white and one Indian parent normally inherits the shrewder and more self-seeking traits of his white ancestry. The chances are, also, that he will be thrown more among whites than other Indians, and hence will be likely to take advantage of his educational opportunities. Among his white associates will not be lacking those who can show him how to use his little learning to outwit the members of his tribe who have not any.

For these reasons you will find on most reservations, or hanging about their borders, a small contingent of mixed-bloods whose trade it is to act as go-betweens for white grafters bent on getting hold of the property of the Indians. In such an undertaking the mixed-blood, with his alert and confident ways, his facile speech and his inkling of worldly wisdom, is a valuable medium through whom to approach the unsophisticated full-bloods. As an interpreter, he can throw whatever shades of meaning he wishes into the phrases used by either party to a negotiation, and deliver the ignorant into the clutches of the clever before his dupes are fairly aware of what is going on.

As in the case of the squaw-man, it is the bad class of mixed-bloods who have given a bad name to all, so that one of the most frequent inquiries from persons who do not know Indians is: "The half-breeds make a great deal of trouble for the Government, do they not?" And comparisons of the simple-hearted, gentle, trustful Indian of the old school with the selfish, grasping, tricky creature who has a taint of white blood in his veins, are a common staple of conversation among whites who have derived all their ideas on the subject from books. In my own acquaintance, which is large, the good mixed-bloods outnumber the bad. They stand up for the rights of their red kinsmen, while their broader intelligence saves them from irrational extremes. Moreover, it is not their ancestry which makes the vicious specimens what they are: we find the same overreaching disposition among the better-educated but morally ill-balanced members of

all races, whether of pure blood or mixed. It is our common human nature, not Indian nature or white nature, which is to blame.

But back of all this lies a consideration more strictly vital, that there is no outward sign whereby we can tell whether any given Indian is of the full or of the mixed blood. My use of these terms in earlier paragraphs has been colloquial, not precise. Sundry members of every tribe are popularly classed as full-bloods, and sundry others as mixed, but largely as a matter of tradition or guess-work. Different environments make for different probabilities, of course. Tribes like the Sioux and the Chippewas, for example, exposed through several generations to contact with white pioneers and adventurers, show more signs of blood dilution than the Navajos or the Pueblo tribes, who have lived in comparative race seclusion; but it would be safe to say that no tribe is now free from Caucasian admixture, whether extensive or slight.

This is one of the reasons why I have always opposed drawing the blood line in Indian legislation. It is bound to work inequitably, if indeed it does not prove wholly impracticable in administration. Let me cite a single case in point. A few years ago a law was enacted granting the Indians in a certain tribe an increased allotment of land in a district containing much valuable timber. Although abundant notice had been given to all the tribesmen to present themselves at the agency office on a particular day and make their selections, the laggard element postponed their visit till most of the best-timbered tracts had been

disposed of. They then united in a memorial to the Commissioner charging that the first comers were mixed-bloods, and had taken unfair advantage of the petitioners, who, being full-bloods and unused to business ways, had not realized the importance of promptness. An investigation followed, which disproved all the charges of unfairness, and the tribal council voted overwhelmingly in favor of letting everything stand as it was.

A few months later another law was passed, in the face of strong objection from the Indian Office, granting certain privileges to the mixed-bloods on the same reservation; and among the first Indians to come forward with a demand for their share of these benefits were several who had signed the recent protest as full-bloods! Ever since that day, the Indian Office and its field representatives have suffered from a hundred uncertainties in trying to execute the law righteously; and present indications are that not a few of the transactions which have taken place on the theory that the Indians concerned were of the mixed blood will yet be brought into court, condemned as illegal, and made the vehicle of money damages to whoever has been injured by them.

Is our Indian population increasing or decreasing? The answer to that question depends on whether we compare the figures of past times or those of our own. Comparisons covering a long period point to a decrease; that is, the best data obtainable lead ethnologists to believe that at the time of the discovery of this continent between 800,000 and 900,000 Indians occupied

the territory between Canada and Mexico now known as the United States. The Indian Office estimates their present number roughly as 300,000, the decrease being due to war, famine, pestilence and exotic vices which have sapped their bodily strength. The figures quoted exclude the Alaskans, who are not under the Indian Office but under the Office of Education. The distinction here suggested, by the by, has been scrupulously observed in legislation, the Alaskans never appearing in the statutes as "Indians" but as "natives of Alaska," and under other designations which emphasize their separateness.

If we were to consider only the changes which have come over the full-blood Indians, we should have to note a much more serious decrease, because so large a proportion of those who are legally classed as Indians are recognized as being from one-half to seven-eighths white, and doubtless many who claim an eighth of Indian blood would have difficulty in proving as much as a sixty-fourth. Their reason for clinging to their tribal membership is that they may thus draw their annuities and share in the final distribution of assets. Since the Office of Indian Affairs was organized as a branch of the Department of the Interior, there is reason to believe that the tide has turned and that the birth-rate among the Indians of mixed blood has been, for the last thirty years at least, more than keeping pace with the death-rate among the full-bloods. While preparing an encyclopædia article in 1896, I made a comparison of the records then available which led me to believe that the current rate of in-

crease in the Indian population was about one-fifth of one per cent. a year. The statistics in the possession of the Department, however, were unsatisfying. Some of the tribal census-rolls had not undergone a thorough revision for a long time, and had been amended only here and there on reports from the Indian police of a death in this family or a birth in that. The disposition of the families among the more backward tribes was to advertise the births and ignore the deaths as far as possible, because every addition to a family meant increased rations and annuities, whereas a decline in its number meant a proportional reduction in these benefits. So it was necessary, in making up my net totals, to allow for a varying tare, as it were —a margin of uncertainty, with the probabilities favoring a departure from the gross figures according to the stage of development a given tribe had reached, the apparent completeness of its original rolls, and the recency of any effort to check these up.

A notable gain in accuracy in such matters has been made through the machinery of the allotment system. Since the Indian has come to own property of considerable value which must descend to his heirs at his death, it has been important to ascertain who those heirs are. Owing to the peculiar kinship relations recognized by so many tribes, the universal fondness of Indians for adopting children, and the common terminology in which they confuse brothers and sisters with cousins, parents with uncles and aunts, sons and daughters with nephews and nieces, the Allotting Agents were often hopelessly bewildered in their at-

tempts to straighten out the lines of consanguinity. So the Department opened for each tribe undergoing allotment a book of family records, in which should be written a condensed statement of the blood relationships of every member of the tribe as far as these could be ascertained. In order to obtain such data, not only is it necessary that the Indian directly concerned be questioned with great care, but his answers have to be scrutinized by the elders of the tribe who presumptively have known his parents and grandparents and the collateral branches of his family.

This is no insignificant task, for it is often difficult to induce Indians to talk about themselves and their relations, so suspicious are they of the purpose behind the questions. Among the Kiowas we adopted a plan which may be worth noting. A large payment was to be made to the members of the tribe on account of a land transaction. As a few mischief-makers had assailed the integrity of the rolls then in use, asserting among other things that they contained names of Indians not in existence, we ordered that no money be paid to any Indian who did not appear in person and identify himself to the satisfaction of the officers in charge. At the door of the pay-room we placed a table and seated around it some of the older and more intelligent tribesmen, a few of the intermarried whites whom we knew to be trustworthy, the clerks who were to make the memoranda, and a few other persons who understood both the native and the English languages. Each applicant who entered the room was halted at the registration table and required to answer every

question put to him there before being furnished with the identification-card which he had to show to the cashier at the pay-table in order to get his check. I can recommend this method as producing results both prompt and complete.

The use of the family record as an appendage to the allotting system means that as fast as the allotments proceed we shall be able to unravel the web of Indian relationships, till at last every Indian will know not only what he owns, but from whom he may look to inherit more, and to whom his property will descend at his death. This will mark one further step in his journey up the path from the stone age to ours. How fast the allotment work is advancing may be judged from a few figures.

In 1887, when the Dawes Severalty Law was enacted, the Indian reservations outside of the Indian Territory—which has a separate system of its own—contained 117,000,000 acres; to-day they are shrunk to about one-half that area. Up to June 30, 1909, nearly 81,000 Indians had received allotments aggregating a little less than 12,500,000 acres of land. Between July 1 and the close of the year some 6,700 additional Indians received allotments covering more than 1,600,000 acres. In other words, the work is now three times as rapid as in the earlier days. If the same rate of acceleration continue progressively, the settlement of the Indians still unallotted but presumptively entitled to allotment, numbering between 125,000 and 130,000, will be witnessed by the present generation in charge of our public affairs.

Of the causes which led to the decline in the Indian population between the first white invasion and the present day, war and famine have practically disappeared. With disease and vice we must still reckon. In this connection much is heard among benevolent white people of the desirability of a great Indian sanitarium in the arid Southwest, to which sufferers from tubercular troubles may be removed for treatment. I am most reluctant to throw any discouragement upon such an undertaking, but is it workable? In order to satisfy myself on this point I procured from Congress in 1905 authority to look into the question of establishing a sanitarium, and went energetically about the business. It did not take me long to discover that the difficulty of inducing Indians to remove, or to send members of their families, into a strange country for medical treatment would be too great to warrant our going into any broad scheme of this sort. Sanatoria on their own reservations or in the immediate neighborhood they are more ready to patronize. I have also been able to start sanitarium schools for consumptive children in suitable places, and to attach health camps to a few of the big boarding-schools in connection with their hospital outfit. But to set up a sanitarium in New Mexico, let us say, with the expectation of drawing to it any considerable number of Indian patients from Minnesota or the Dakotas, Montana or Idaho, I believe is out of the question under existing conditions.

Doubtless the time will come when tuberculosis, like small-pox and yellow fever and other contagious

and infectious disorders, will be handled from the point of view of the safety of society rather than the comfort or pleasure of the individual. When that era dawns, the person discovered to be suffering from tuberculosis in a communicable stage will be given the option of voluntarily placing himself under treatment or being treated by public physicians, and, if need be, in a public institution. It will then be in order to enforce the same regimen among the Indians as among the whites; but to seize an Indian sufferer now, and compel him to leave family and friends and seek health in a region where he is as liable to die of homesickness as to recover from tuberculosis, would be a cruel discrimination, to say nothing of the question of its lawfulness.

Concerning the scrofulous diseases which are the fruits of dissolute living in the present or a past generation, we need say no more than that the habits prevailing among camp Indians promote their wide and rapid dissemination. The sources of this evil must be reached, if at all, by moral rather than by physical correctives. That everything of the sort is aggravated by the use of intoxicants makes plain the duty of the Government to do what lies in its power toward removing from the Indians the temptation to such excesses. No prohibitory law, from the creation of the world to the present time, ever prevented men from drinking if they were bound to drink, but that argues nothing against the use of instrumentalities which tend to diminish suggestion and restrict opportunity. The work of the Secret Service of the Indian

establishment is radical and effective, and Congress is backing it up admirably. So are the churches; and so, I am glad to add, are many Western communities which long seemed indifferent. It is a dangerous business, calling occasionally for a resort to arbitrary measures. But with public sentiment stanchly behind it, and a continuance of such fearless official support as President Roosevelt gave to it, there is no reason why the Department, even if unable to destroy the scourge of intemperance among the Indians, should not greatly cripple its capacity for harm.

It has been asked sometimes whether the red race would not one day produce such a leader as the black race has in Booker Washington. In my judgment it never will, for Washington's leadership was evolved from conditions which find no parallel among the Indians. At the base of everything lies the solidarity of the Negroes in America. They are substantially one people in their later history, in language, in social condition, in customs, in mode of thought, in outlook. Almost all of them are descendants of men and women who were brought to this country by force and sold into bondage. Their transition from chattelhood to citizenship was so sudden that it might almost be described as effected at a single stroke, and when it came it was universal.

Like people who had long stood in darkness but found themselves all at once in a great blaze of light, they were dazed and bewildered, and groped as blind men do with no strong hand to guide them. Socially segregated, treated in one part of the country with

scorn and in the rest with indifference, they have formed a class by themselves, bound together more closely than any other race on this continent by their common antecedents, their common experience and their common aspirations. When, therefore, one arose who said to them, "I, too, am sprung from the despised slave stock; I have suffered poverty and oppression and ostracism as painful as yours; I crave as strongly as you my share of the precious things in life which the Caucasian has monopolized for himself, and I believe I have discovered the way to attain these," it is not wonderful that he found many an ear waiting for his voice. His argument that the Negro must command recognition for his manhood by producing practical proofs of his ability to do a man's work in the world, appealed to the reason of the honest members of his race, and met with opposition only from a few pretenders who dreaded the downfall of their fraudulent supremacy.

It is true that the sources from which the black population of this country was drawn were as diverse as those of our hundred or two Indian tribes. But in four centuries of associated servitude the Negroes had become amalgamated. The only language they could use in communicating with each other was that of their masters. Their compulsory subjection to rules of living which were a humble replica of those governing the whites, the fact that they were surrounded exclusively with reminders of white supremacy and taught to admire only what they saw admired by their owners, led this naturally docile people into the imita-

tive habit which has been either their bane or their blessing, according to their individual faculty for distinguishing between worthy and unworthy objects of emulation.

The Indians, on the other hand, are descended from a free and independent ancestry, full of race pride, disdainful of new and alien things. Their chiefs of old made treaties directly with the United States Government, whose emissaries they met on a footing of equality, and against which they did not hesitate to make war when they believed themselves wronged. Though they have passed through many vicissitudes of fortune, as a race they have never known what it was to be despised, but in the days of their strength were greatly feared. Far from aspiring to be white men or like white men, they have almost universally looked forward with dread to the day toward which all signs point, when they will have lost their ethnic individuality and become an indistinguishable part of the body politic. In spite of their sense of racial separateness and their reluctance to part with it, they have cultivated no homogeneity of interests. Every tribe has maintained its own laws, its own language, its own traditions and sentiments apart from the rest.

This brief summary will suffice to show the absence of those conditions among the Indians which among the Negroes led to the appearance of a Washington. If any Indian were to come forward to-morrow and sound a call like Washington's to his people, he would hear no response except from the handful of Indians who spoke the same tongue and knew him and his

forefathers. If he urged the mass of his race everywhere to lay hold of the work nearest their hands and perform this so well as to compel recognition from the whites, they would scoff at him, for the only favor they have to ask of the whites is to be let alone.

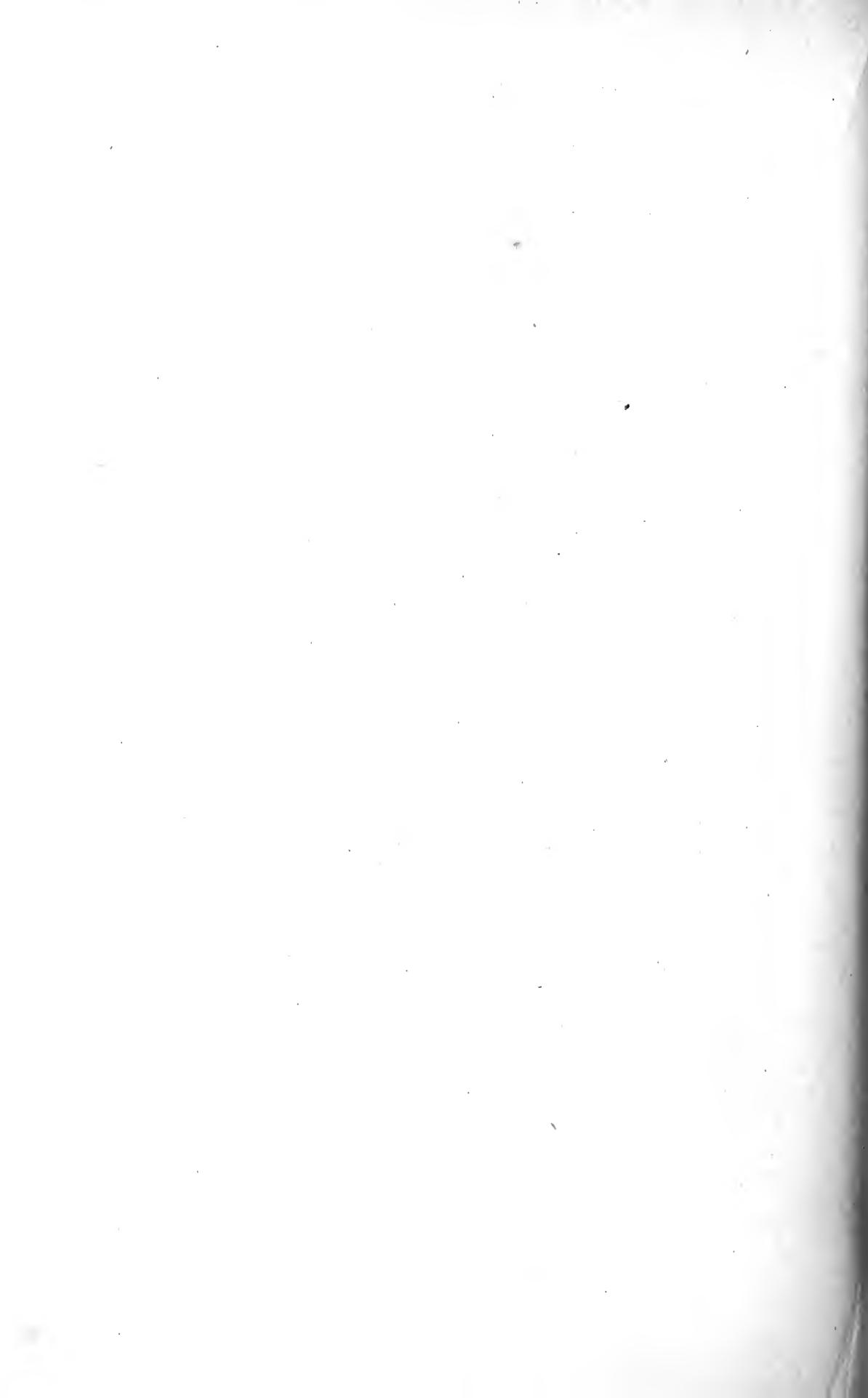
If the leader comes not to-day, may he not come later? No. There will be no "later" for the Indian. He is losing his identity hour by hour, competing with whites in the labor market, mingling with white communities and absorbing white pioneers into his own, sending his children to the same schools with white children, intermarrying with whites and rearing an offspring which combines the traits of both lines of ancestry. In the light of his new day which is now so near its noon, he need not be an inspired seer to discern the approaching end of his pure aboriginal type and the upgrowth of another which will claim the name "American" by a double title as solid as the hills on his horizon. All that once made for the racial insulation of his people has passed or is passing; before the lapse of a period like that which it took to evolve a great leader for the Negroes, there will be no Indians to lead.

However imperfectly, the task laid out for this little book in its preface is finished. As I put aside my pen, there comes back to me the memory of another leave-taking. I had passed a whole day in an Indian council, arguing, urging, pleading, in an effort to induce the tribe to recede from what seemed to me an unwise stand they were taking. A battle of

words in an unknown tongue had raged fiercely over my head, as the speakers who supported me and those who resisted fought the question out between themselves. The struggle ended in a victory for my champions.

Meanwhile the day had waned, and the horses had been brought to the edge of the village preparatory to my departure. As the rank and file of the band pushed forward to shake my hand, one—tall, erect, dignified—remained aloof. He was a splendid-looking Indian, a proud figure among his fellows, who had fought me till overwhelmed, and then had surrendered with all the honors of war. When the last of the lesser men had dropped back and I had turned to go, he advanced and checked me. His face, though still earnest, had lost all its sternness. I read in it that he had put aside the animosities of debate and wished now to tell me so. Throwing his arm around me, he drew me toward him till we stood heart to heart, and then said with great impressiveness: "Farewell, my friend. Do not forget us. We have now only God and you!"

To the readers who have been patient enough to accompany me thus far, and whose purpose toward the superseded race is neither robbery nor charitable exploitation, but honest, unselfish, practical help, I pass on his appeal.



INDEX

- AGE, respect for, 18, 19.
Agents: Allotting (see *Allotting*); and superintendents, 4, 25, 26, 32, 38, 39, 40, 41, 58, 67, 68, 70, 71, 97, 98, 100, 104, 155, 159, 190, 223, 224, 225, 226, 241, 245, 272, 274, 283, 298, 317, 322, 346; duties of, 104; military, 105, 217; Special. (See *Special Agents*.)
Alaska, natives of, 351.
Allotment, land, 34, 47, 61, 79, 81, 106, 288, 345, 354.
Allotting Agents, 85, 106.
Anti-Saloon League of America, 307.
Apache Indians, 82, 162, 258, 270.
Appropriation, annual Indian, bill, 207, 213. (See also *Veto*.)
Arizona, 258, 261.
Army officers as agents. (See *Agents, military*.)
Artistic instinct, 12, 55, 166, 327.
Assinaboine Indians, 162.
Assistant Commissioner of Indian Affairs, 96.
Attorneys, 37, 71, 207, 241, 253.
Aztec civilization, 23.
- BALLOT, premature gift of the, 35, 61, 341.
Bannock Indians, 174.
Beet, sugar, farming, 90, 156.
Blackfeet Indians, 162.
Blacksmiths, Indian, 162.
Board of Indian Commissioners, 107.
Boston, 307.
- Bureau of Indian Employment. (See *Employment*.)
Burke, Representative Charles H., 63.
Burke Law, working of the, 61, 206. (See also *Allotment system*.)
By-a-lil-le, 260.
- CALIFORNIA, Mission Indians of. (See *Mission Indians*.)
Camp Meade, 257.
Carlisle Indian School, 122, 129, 147.
Carpenters, Indian, 162.
Cattle industry, 27, 38, 162, 179, 192.
"Century of Dishonor," the, 82.
Cherokee Indians, 329.
Cheyenne Indians, 162, 259, 270.
Cheyenne River Reservation, 244, 258.
Chickasaw Indians. (See *Choctaw and Chickasaw Indians*.)
Chief Engineer, Indian Service, 106.
Chief Special Officer, Indian Service, 106. (See also *Liquor question*.)
Children, 16, 18, 33, 39, 44, 126, 162, 210, 234, 288, 318, 345, 360.
Chinese, 33.
Chippewa Indians, 3, 162, 349.
Choctaw and Chickasaw Indians, 193, 329, 337, 338.
Citizens, Indian, 35, 53, 63, 92, 257, 307, 341. (See also *Allotment*; *Ballot*; *Burke Law*, etc.)

- Civilization: Aztec (see *Aztec*); by artificial devices, 42, 48, 51, 57, 149, 153, 169, 180, 326, 328.
- Civilized Tribes, Five. (See *Tribes, Five Civilized.*)
- Civil Service Rules, 30, 97, 98, 108.
- Claims, Indian, 194, 195, 196.
- Clapp, Senator Moses E., 77, 214.
- Clerical work, Indians at, 127, 148, 164.
- Cleveland, President Grover, 62, 207.
- Comanche Indians, 82, 293.
- Commerce and Labor, Secretary of, 338.
- Commission to the Five Civilized Tribes, 335.
- Commissioner of Indian Affairs: 32, 38, 77, 80, 96, 97, 100, 107, 108, 109, 210, 211, 225, 226, 249, 255, 270, 282, 306, 307, 310, 311, 312, 313, 323, 338; Assistant. (See *Assistant Commissioner of Indian Affairs.*)
- Commissioners, Board of Indian. (See *Board of Indian Commissioners.*)
- Communism, evils of, 27, 47, 182, 192, 219, 332, 334, 339, 341.
- Congress: attitude of, toward Indians, 82, 195, 198, 219; committees of, 77, 197, 199, 200, 211, 219, 338; irresponsible speech in, 196, 212; meaningless bills in, 215, 218; the chronic "improver" in, 204.
- Congressional Documents. (See *Documents.*)
- Contractors for Indian supplies, 100, 148.
- Cook, Bill, 334.
- Councils, Indian, 15, 19, 38, 360.
- Court: Marine, of New York (see *Marine Court of New York*); of Claims, United States, 196; proposed special, for Indian claims, 196.
- Courts: frontier, 210, 235, 244, 261; of Indian Offences, 241; proposed special, for wild Indians, 269; tribal, in Indian Territory, 332, 336.
- Courtship. (See *Marriage, courtship, etc.*)
- Crazy Snake, 218, 219.
- Cree Indians, 173.
- Creek Indians, 218, 329.
- Crime and discipline. (See *Discipline.*)
- Criticism, philanthropy and (see *Philanthropy and criticism*); of public officers, 88, 208, 210, 215, 216, 217, 249, 271, 283, 306, 308, 309, 313, 316, 318.
- Crow beet-farm project, 90.
- Crow fair, 159.
- Crow horse-farm project, 91.
- Crow Indians, 90, 91, 159, 162.
- DAKOTA, 355.
- Dances, Indian, 20, 159, 230, 248.
- Dawes Commission. (See *Commission to the Five Civilized Tribes.*)
- Dawes, Senator Henry L., 34, 61.
- Dawes Severalty Law, 34, 61. (See also *Allotment, land.*)
- Deity, aboriginal conception of, 275. (See also *Religion.*)
- Delegations to Washington, 225.
- Departments, executive, and their secretaries. (See *Commerce; Interior; Treasury; War, etc.*)
- Depredations, Indian, 197.
- Digger Indians, 173.
- Discipline: enforcing, 105, 171, 210, 221, 229, 248, 249, 271, 323; a few illustrative cases of, 248.
- Documents, Senate and House, 215.
- Domestic service. (See *Service.*)

- Drunkards, habitual, 234. (See also *Liquor question.*)
- Dundy, Judge Elmer S., 253.
- EDUCATED INDIANS. (See *Indians.*)
- Educating, cost of, an Indian, 201.
- Education, theory and fact in, 115.
- Educational policy of the Government: 29, 32, 45, 50, 53, 115, 132, 210, 234 (see also *School*); time for a turning in the, 132.
- Employment Bureau, 48, 155, 170.
- Employments, 152, 162, 251, 301. (See also *Blacksmiths; Carpenters; Clerical work; Farmers, etc.*)
- Engineer, Chief, Indian Service. (See *Chief Engineer.*)
- Engineer, Irrigation. (See *Irrigation.*)
- FAMILY RECORDS, 353; relations, 10, 13, 16, 18, 45, 288, 352.
- Farmers, Indian, 23, 26, 39, 153, 159, 162, 165, 228, 250, 321.
- Fetichism. (See *Religion.*)
- Field Matrons, 295, 300, 307. (See also *Outing Matrons.*)
- Filipinos, 167.
- Five Civilized Tribes. (See *Tribes.*)
- Florida, 330.
- Fort Belknap, 91.
- Fort Defiance, 291.
- Fort Huachuca, 263.
- Fort Keogh, 259.
- Fort Sill, 258, 334.
- Fort Wingate, 262.
- Fox, Sac and, Indians. (See *Sac and Fox Indians.*)
- Fruit-growers, Indian, 148, 162.
- Funds, tribal, 47, 173, 183, 297.
- Funds, tribal, dividing, 47, 183, 192.
- GAMBLING, 54, 88, 153, 190, 265.
- Game, destruction of wild, 26. (See also *Hunting.*)
- Gardeners, Indian kitchen, 162.
- Garfield, Secretary James R., 264.
- Generosity, 22, 54, 185, 276, 293.
- Georgia, 330.
- Geronimo, 258, 266, 326.
- Girls and women. (See *Women and Girls.*)
- "Give-away" entertainments, 21, 186, 188.
- Grant, President Ulysses S., 107.
- "Grass Money," 39.
- Gratuities, ill effects of, 32, 44, 137, 171, 178, 292.
- HALF-BREEDS. (See *Indians, mixed-blood.*)
- Hampton Institute, 162, 200.
- Harris, Commissioner William T., 6.
- Haskell Institute, 148, 162.
- Health, 21, 32, 49, 57, 130, 136, 137, 144, 145, 146, 148, 156, 189, 252, 300, 301, 327, 334, 355. (See also *Hospitals; Medicine men, etc.*)
- Heff decision, 36.
- Hitchcock, Secretary Ethan A., 259.
- Homeric ethics, 6, 9.
- Honesty, 9, 54, 191, 246, 247, 303.
- Hoopa Indians, 75.
- Hopi Indians, 3, 15, 20, 55, 133.
- Horse industry, 91, 162.
- Hospitals, 291, 292.
- Hosteen Bi-gow Etten, 247.
- House documents. (See *Documents.*)
- Humor, 4.
- Hunting, 8, 25, 93.
- IDAHO, 355.
- Illegitimacy. (See *Infidelity and illegitimacy.*)
- Imprisonment of Indians without trial, 248, 252, 255, 258, 259, 260.

- Improvidence, 22, 51, 75, 152, 171, 185, 321, 339.
- Incendiarism, 239.
- Incorporation of tribes. (See *Tribes, incorporation of.*)
- Indian: citizens (see *Citizens*); citizenship committee, 307; education (see *Education*); folly of segregating the, 47, 139, 167, 268; how a young, went around the world, 123; Industries (see *Industries*); Industries League, 307; National, Association (see *National Indian Association*); Office, 96, 351; Office regulations, 224; popular ignorance about the, 1, 198, 206, 220; problem, the, and a way out, 42; problem, the, folly of prolonging, 52, 94; Rights Association, the, 82, 265, 297, 307, 314; schools (see *Schools*); Service, the, 96; Service, charges against officers of, 217; Territory, 193, 206, 219, 252; Territory, the, experiment, 328; the, as a capitalist, 173; the, as he was, 1; the, at work, 151; ultimate fate of the, 343, 360.
- Indians: allowing \$10 a month to, 186; at play, 18, 190; do educated, degenerate? 119; going on visits, 224; hiring, with their own money, 180; how, work and rest, 14, 151; illiterate, who have succeeded, 161, 164; in Wild West Shows, 323; in the Constitution of the United States, 197; in the Indian Service, 110; in the learned professions, 116; mixed-blood, 37, 46, 343, 344, 347, 360; the, pushed westward, 25, 330.
- Individuality, 3, 43, 53, 57.
- Industries, native, 55, 165. (See also *Indian Industries League.*)
- Infidelity and illegitimacy, 16, 288, 295.
- Inheritance, 40, 183, 185, 352.
- Inspectors, 28, 39, 106.
- Interior, Department and Secretary of the, 38, 66, 76, 80, 82, 92, 96, 208, 241, 255, 272, 307, 332, 338, 339, 351.
- Interpreters, 275, 284, 348.
- Investigation, 217, 311, 319, 320.
- Iowa, 271.
- Irrigation, 94, 287.
- Irrigation Engineer, 106.
- Irrigation, Superintendents of, 106.
- JEFFERSON, PRESIDENT THOMAS, 11.**
- Jones, Commissioner William A., 98, 179, 186, 259.
- Judges, Indian, 241.
- Justice, sense of, 246.
- KANSAS, 36, 148.
- Kickapoo Indians, 209.
- Kiowa Indians, 82, 86, 353.
- Kitchen-gardeners, Indian. (See *Gardeners*.)
- Klamath Indians, 162, 194.
- LABOR.** (See *Blacksmiths; Employment; Indian, the, at work; Railroad work, etc.*)
- "Labor, proceeds of," 178.
- Lace-making, 57, 308.
- Lacey Bill. (See *Funds, tribal, dividing*.)
- Lacey, Representative John F., 183.
- Laguna Dam, 156.
- Land: allotment (see *Allotment*); tenure, 23, 34, 37, 40, 47, 79; values, 86, 194.
- Lands: disposing of the surplus tribal, 79, 336; leasing Indian, 38, 179, 184, 235; re-

- strictions on Indian, 34, 46, 64, 74, 76, 209; selling inherited, 40, 184.
- Language, sign. (See *Sign language*.)
- Legislating for a dependent race, 197, 307.
- Legislation, tribal, in Indian Territory, 332, 336.
- Liberia, 331.
- Liberty and discipline, 221. (See also *Discipline*.)
- Liquor question, 26, 36, 64, 106, 153, 160, 234, 241, 272, 307, 319, 323, 356.
- Lobbyists, 38, 218.
- Lone Wolf Decision, 82.
- Lumbermen, Indian, 162. (See also *Timber*.)
- McKINLEY, PRESIDENT WILLIAM**, 207.
- Makah Indians, 3.
- Manila, 123.
- Marine Court of New York, 269.
- Marriage, courtship, etc., 16, 28, 290, 293, 296, 333, 343, 360. (See also *Polygamy*.)
- Matrons, field and outing. (See *Field Matrons*; *Outing Matrons*.)
- Mechanics, Indian, 163.
- Medicine men, 230, 259, 260.
- Mineral deposits, 179, 192, 207, 330, 337.
- Minneapolis, 116.
- Minnesota, 355.
- Mission boards, 248, 285.
- Mission Indians of California, 3, 162.
- Missionaries and their methods, 275.
- Missionaries in Indian Territory, 333.
- Missionary convocations, 228.
- Missionary work, 21, 29, 307, 322.
- Missionary work of a trader, 190.
- Mississippi, 330.
- Mixed-blood Indians. (See *Indians*.)
- Montana, 80, 355.
- Morgan, Commissioner Thomas J., 110, 211.
- NATIONAL INDIAN ASSOCIATION**, 307.
- Nature-worship, 20, 268, 275.
- Navajo Indians, 3, 15, 56, 158, 162, 166, 247, 260, 270, 291, 349.
- Nebraska, 194, 252.
- Negroes, 33, 43, 197, 218, 331, 357, 358, 359, 360.
- New Mexico, 258, 261.
- New York, 116, 123.
- Noble, Secretary John W., 293.
- North Carolina, 330.
- Nurses, 164.
- OKLAHOMA**, 82, 193, 218, 258, 271, 331, 341, 342.
- Omaha, 116, 253.
- Omaha Indians, 252.
- Oneida Indians, 177.
- Osage Indians, 10, 177.
- Outing matrons, 301.
- Outing system in schools. (See *Schools*.)
- PAINTER, CHARLES C.**, 314.
- Pass, origin of the agency, 222.
- Patronage, political. (See *Political*.)
- Pawnee Indians, 176.
- Peaceable disposition, 7, 18, 276.
- Philadelphia, 116, 307.
- Philanthropy, 2, 48, 56, 116, 171, 257, 259, 260, 361.
- Philanthropy and criticism, 305.
- Pilots, Indian, 163.
- Piutes, 173.
- Police, Indian, 244.
- Political patronage, 97, 99, 100, 108, 308. (See also *Civil Service Rules*.)
- Polly, 261.

- Polygamy, 293.
 Ponca Indians, 252, 270.
 Population, Indian, of the United States, 350.
 Porcupine, 259.
 Pottawatomie Indians, 176.
 Power, Indians' respect for, 268.
 Pratt, Captain Richard H., 121.
 President of the United States, 11, 34, 74, 80, 96, 199, 214, 255, 256, 307, 330, 336, 338.
 "Proceeds of Labor." (See *Labor*.)
 Pueblo Indians, 23, 162, 349.
 Punishment, a young Indian's self, 246.
- QUAPAW AGENCY**, 206.
- RAILROAD WORK, INDIANS AT**, 163, 171.
 Ration system, 26, 57, 155, 161, 171, 180, 238, 249, 293.
 Religion, 20, 228, 250, 275, 276, 322. (See also *Dances*; *Medicine men*; *Missionary work*; *Nature-worship*; *Sectarian controversies*, etc.)
 Representatives in Congress, 97, 130, 198, 212, 213, 216.
- Reservation system**, 25, 27, 44, 81, 84, 92, 273, 342.
 Ridicule, dread of, 232.
 Rocky Ford beet fields, 156, 157.
 Roosevelt, President Theodore, 64, 297, 357.
- SAC AND FOX INDIANS**, 271.
 Sailors, Indian, 123, 167.
 St. Mary's Canal, 156.
 Salton Sea dykes, 156, 157.
 Sanitarium, proposed Indian, 355.
 Santa Fé Railroad, 156, 157.
 Sawmill hands, Indians as, 163.
 School: Indian, system (see *Education*, etc.); need of a compulsory law, 32, 138, 210, 301; payroll of a large Indian, 142.
- Schoolhouses: cheaper, 150; open-air, 127.
 Schools: admitting white pupils to Indian, 318; boarding, 136; health camps at boarding, 355; objections to boarding, 141; cost of Indian, 29, 138, 141, 142, 148, 150, 202; day, 125, 133; day, to be given to the States, 150; Government, 30, 45, 97, 272, 336; mission, 29, 297; non-reservation, 129, 134, 138; non-reservation as centres of sectarian controversy, 298; non-reservation, mingling sexes at, 143; non-reservation, outing system at, 122, 140 (see also *Outing Matrons*); non-reservation, sanitary aspects of, 144; non-reservation, specializing at, 147; non-reservation, traffic in pupils for, 145; public, 150, 192; reforms needed in Indian, 132; sanitarium, 355; setting fire to (see *Incendiarism*); shorter terms for Indian, 136; Sunday, 298; three classes of Government, 125; tribal, in Indian Territory, 334, 336.
- Schurz, Secretary Carl, 252.
 Scientists, real and false, 326.
 Secretaries and executive Departments. (See *Commerce and Labor*; *Interior*, etc.)
 Sectarian controversies, 290, 296. (See also *Schools*.)
 Seminole Indians, 329.
 Senate: "courtesy of the," 211, 213; documents (see *Documents*.)
 Senators, 97, 99, 101, 130, 198, 211, 212, 216.
 Sensitiveness, 12.
 Service, domestic, 301.
 Sexes: division of duties between the, 13; mingling, in non-

- reservation schools (see *Schools.*)
Sheep-herders, Indian, 162.
Sherman Institute, 148.
Sherman, Representative James S., 77.
Shoshone Indians, 174.
Sign language, 8.
Sioux Indians, 3, 5, 15, 123, 131, 162, 170, 171, 255, 297, 349.
Six Nations, 177.
Smith, Secretary Hoke, 65.
Soldiers, Indian, 123, 163, 167.
South Dakota, 170, 252, 255.
Special Agents, 84, 106, 317.
Special Officers, 106. (See also *Liquor question.*)
Squaw-men, 28, 244, 333, 344, 346.
Standing Bear Case, 252.
Strings, story of the Seven Green, 100.
Sunday schools. (See *Schools.*)
Superintendents, agents and. (See *Agents.*)
Supervisors, 106.

TAMA, IA., 272.
Taxation: of Indians, 64, 75, 77, 236; tribal, in Indian Territory, 336.
Tennessee, 330.
Testimony, Indian, 320.
Threats, 232, 238.
Timber, 192.
Toledo, Ia., 272.
Town sites, sale of, 179.
Traders, licensed, 11, 48, 185, 188.

Trailers, Indian, 245.
Treasury, Department and Secretary of the, 183, 338.
Treaties: Indian, 81, 359; Indian, obsolete provisions in, 176.
Tribal funds, schools, etc. (See *Funds; Schools, etc.*)
Tribes: diversity between, 3; feuds between, 8; Five Civilized, 198, 206, 329, 336; Five Civilized, Commission to the (see *Commission*); fragments of, under Quapaw agency (see *Quapaw*); incorporation of, 192, 338.
Turning Bear, 232.

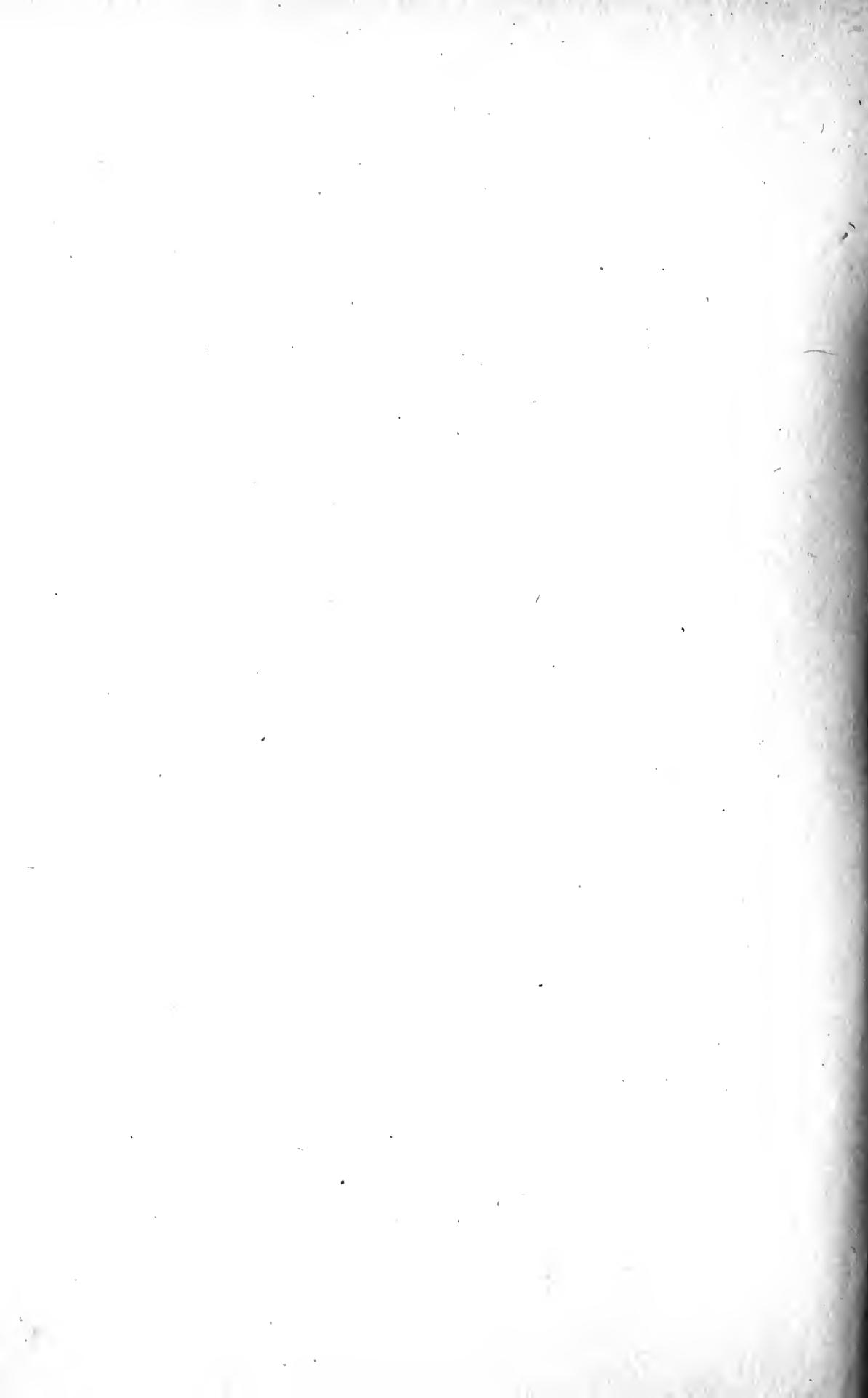
UTAH, 170, 255, 261.
Ute Indians, 15, 18, 170, 255, 270.

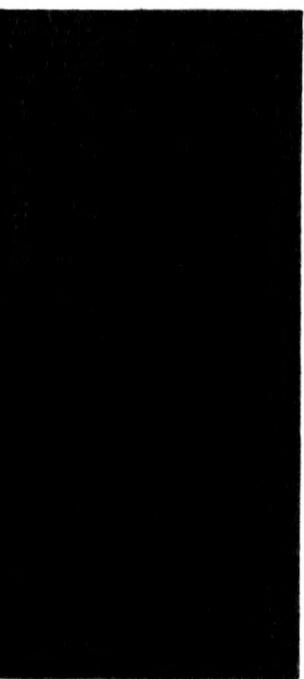
VALENTINE, COMMISSIONER ROBERT G., 320.
Veto of appropriations, 214.

WAR, DEPARTMENT AND SECRETARY OF, 11, 264.
War-path, 238.
Warehouse system, 106.
Washington, Booker T., 357, 359.
Wild West Shows. (See *Indians.*)
Women and girls, 13, 111, 119, 163, 164, 189, 190, 264, 279, 288, 293, 300, 333, 345, 346.
Wyoming, 256.

YUMA, 156.

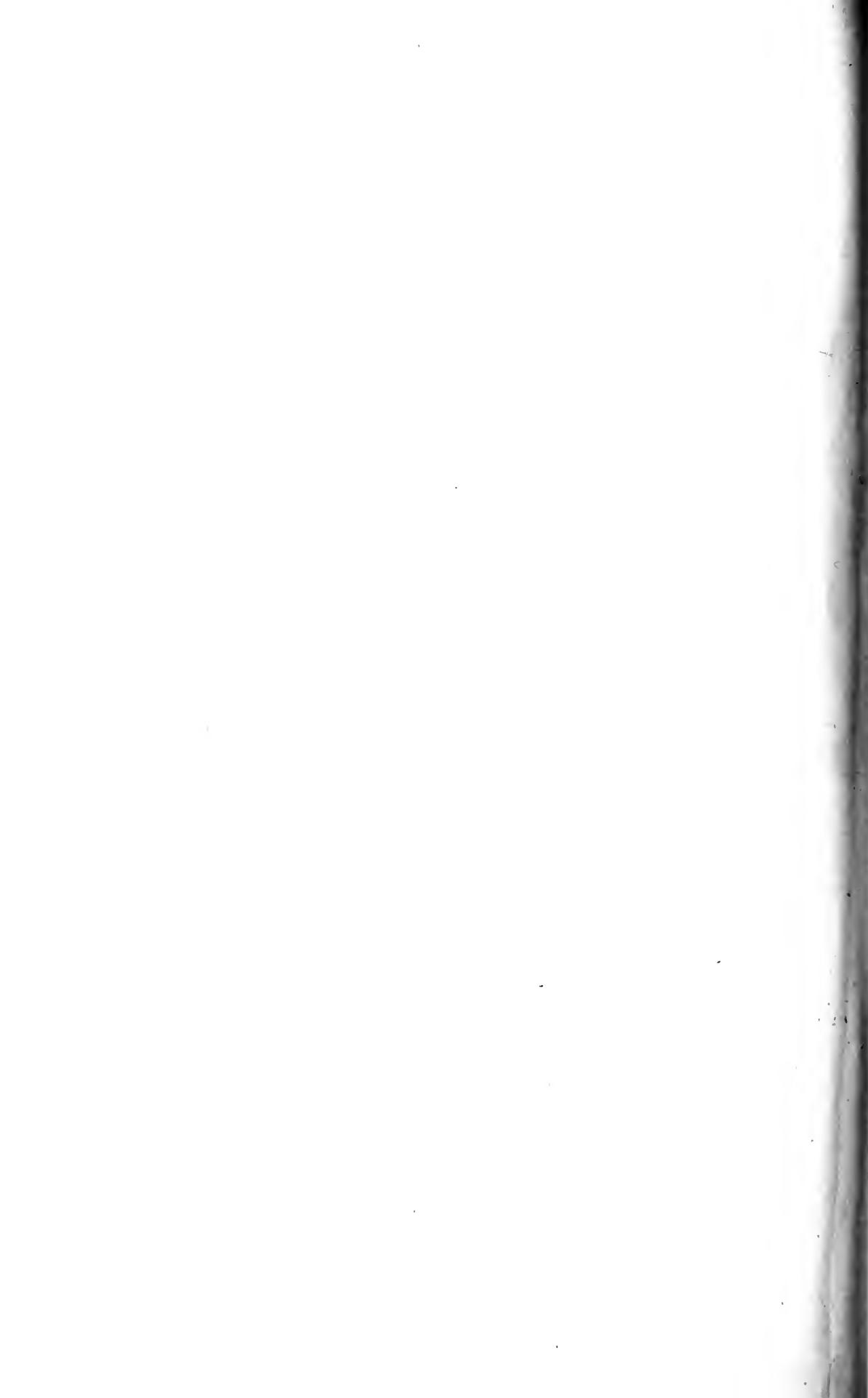
ZUNI DAM, 157.





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